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Clarendon Press Series

CICERO

PRO ROSCIO

WITH INTRODUCTION AND NOTES

BY

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PART I.—INTRODUCTION AND TEXT

Oxford

AT THE CLARENDON PRESS

1890

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PREFACE.

In preparing this edition of the Pro Roscio two objects have been before me—to provide everything that seemed necessary for the full understanding of this particular speech, and also to make the work serve as a fitting introduction to the study of Cicero's speeches generally.

As regards the text, I have been content to accept the one recognised by the University, which is that of Baiter and Kayser.

In acknowledging my obligations to former editors I must begin with Mr. J. R. King, whose notes in Parker's Series were for a long time the only ones known to me. Long's Commentary has also been consulted with advantage, and Mr. Donkin's labours have proved helpful. Among the Germans I have borrowed a little from Richter, a great deal from Halm, and most of all from Landgraf—no doubt because there was most to borrow from.

In a work like this originality is out of the question: but, in order to secure a certain amount of independence, I took the precaution of writing my own notes before consulting my predecessors, Mr. King alone excepted. I

have to thank Mr. J. B. Bury, the talented author of the *History of the Later Roman Empire*, for the pains which he bestowed upon the revision of my manuscript in this initial stage of its existence. I am sensible also of how much benefit my notes have derived from being submitted to the criticism of Mr. Evelyn Abbott.

But while thankful for the help that I have received, I cannot close this preface without expressing a regret, however vain, for the help that has been denied me. My old friend and schoolfellow, Robert Lowes Clarke, late Fellow and Librarian of Queen's College, had promised to perform for my work on Cicero, as he did for my work on Plato, the same kindly office that Socrates performed for Theaetetus. Those who knew him will be well aware how much this meant. It meant not only knowledge practically inexhaustible, but an unstinted generosity in laying that knowledge at the service of others. For great as were his intellectual attainments, it is not by these that he will be most vividly remembered. The truest tribute that can be paid him is to say that he was kind and helpful to every creature that ever sought his aid. To record that he was unselfish would be too little; rather be it said that he knew not self.

8 Museum Villas, Oxford,
January 26, 1890.

INTRODUCTION.

I. Historical.

§ 1. *Historical importance of Cicero's speeches.*

The speeches of Cicero are like a gallery of historical paintings, portrayed indeed in the vivid colours of rhetoric, lurid or gorgeous as the case may be, but, for all that, preserving in outline a faithful image of the features of the times. We have now a great provincial governor brought before the bar of public justice or a revelation of a deep-laid conspiracy against the state; anon we have an appalling glimpse into the depravity of social life in Italy; or perhaps some weighty measure of public policy is debated before us; or the personal grievances of the orator are dwelt on, whose life was inseparable from the public life of Rome. Most of the speeches breathe the full confidence of popular favour; a few have the guarded discretion required under a dictatorship; while at the close we have a trumpet-call to liberty, until the lips of the orator are sealed in dust.

§ 2. *The Pro Roscio the first that deals directly with politics.*

Of this series the Pro Sexto Roscio Amerino may be considered the first. For the Pro Quinctio, which precedes it, though it throws an interesting side-light on the state of political feeling at Rome, is occupied with the private affairs of a pair of partners, who quarrelled over a sheep-farming business in Gaul.

§ 3. *Horrors of the Civil War.*

It is not Cicero's object in the speech before us to exaggerate the horrors of the reign of terror, through which Rome had just passed: but it is impossible for him to avoid recalling them incidentally. For indeed Rome saw no days more dark than these in her hundred years of strife, from the moment when the blood of Tiberius Gracchus, the proto-martyr of the civil wars, stained the slope of the Capitol (B.C. 133) till the time when the furious factions of the world-ruling republic were crushed under the heel of despotism (B.C. 30). Nothing could have been more cruel, says a Roman historian[1], than the victory of Marius, had it not been for the victory of Sulla. Let us set ourselves in imagination at the point of time at which that victory is complete.

§ 4. *Merciless tyranny of Sulla.*

The senate are met in the temple of Bellona, outside the gates of the city, to inaugurate the return of order, when they are scared in the midst of their deliberations by the piercing shrieks of 6000 of the Italians, who had borne arms against Sulla, and who are now being butchered in cold blood in the neighbouring Campus Martius[2]: but Sulla, without moving a muscle of his face, bids the senators attend to business, and not mind what was going on outside—it was only some rascals who were being 'admonished' by his orders. Then even the dullest-witted of the Romans understood that what had been accomplished by the victory was only a change of tyrants.

[1] Velleius Paterculus, ii. 22, § 1.

[2] In the 'villa publica,' Livy, Epit. 87 (cp. iv. 22). Livy states the number to have been 8000. The story in the text is from Plutarch, Sulla, 30. Appian, De Bell. Civ. i. 93, says 'more than 8000.'

§ 5. *He is appointed dictator.*

But Sulla, like Augustus, had the art to veil to some extent his despotism under forms recognised by the Roman constitution. An interrex, L. Valerius Flaccus, was appointed, who created Sulla dictator[1], after that office had fallen into disuse for 120 years; and the Romans now beheld the unprecedented sight of four and twenty lictors within the city walls[2]. A measure was also passed known as the Lex Valeria, which provided that all Sulla's enactments, past, present, and to come, should have the force of law.

§ 6. *His revenge upon his adversaries.*

Then the vials of wrath were poured out over the doomed city; and a carnival of blood reigned unchecked from one end of Italy to the other; the very temples were polluted with murder; no ties of kindred or of blood were sacred enough to excite compassion; husbands were slaughtered in their wives' embraces and sons in their mothers' arms.

§ 7. *The Proscriptions.*

Amid the consternation caused by this indiscriminate carnage, one young nobleman, Caius Metellus, had the hardihood to ask the dictator in the senate, to what length he meant to go. 'We do not pray for pardon,' he said, 'for those whom you have resolved to slay; all we ask is to have rescued from anxiety those whom you intend to spare.' Sulla replied that he did not yet know who were to be acquitted. 'Then tell us,' was the answer, 'whom you mean to punish.' This Sulla undertook to do. Then, without consulting any of the magistrates, he published a list of 80 names, which was followed after a day's interval by another

[1] Vell. Pat. ii. 28; Plut. Sull. 33; Appian, De Bell. Civ. i. 98.

[2] Liv. Epit. 89—'Sulla, dictator factus, quod nemo unquam fecerat, cum fascibus viginti quatuor processit.'

of 220, and that in its turn by a third of at least equal length. Nor was his thirst for vengeance sated even then. For in addressing the people he told them that he had proscribed all who occurred to him at the moment; but that any names which had slipped his memory should be entered on the list another time[1].

§ 8. *Fate of the proscribed.*

The property of anyone whose name was thus entered was confiscated to the last farthing; and his sons were forbidden to seek office in the state, though, if they were of senatorial rank, they were still burdened with the duties of their position[2]. As for the proscribed person himself, a price of two talents was set upon his head, to be paid even if a slave killed his master or a son his father; should his nearest or dearest harbour the outlaw, death was the penalty[3].

§ 9. *Anecdote of Mutilus and Bastia.*

Even this last unnatural mandate remained no dead letter of the law. One of the victims, named Mutilus, fleeing for his life, came with veiled head to his own back door: but his wife Bastia refused him entrance, because he was proscribed. Then the miserable man stabbed himself, and sprinkled his own doorstep with his blood[4].

§ 10. *The proscriptions not always political.*

The atrocity of these outrages was heightened by the fact that it was not political animosity but private hatred or greed

[1] Plut. Sull. 31.

[2] Vell. Pat. ii. 28.

[3] Plut. Sull. 31. Richter has noticed the inconsistency of the accusers of Sextus Roscius, who in the same breath indicted him for parricide, and maintained that his father had been proscribed. Had the latter statement been true, the son would have been entitled to claim the reward. It is strange that Cicero, with his fondness for a dilemma, should have let this point escape him.

[4] Liv. Epit. 89.

that prompted the majority of them. In the epitaph which he composed for himself Sulla boasted that no one had surpassed him either in doing good to his friends or harm to his foes[1]. It was the easier for him to fulfil this boast according to his lights, as he did both at one stroke. His friends, who were mostly of a low type, actors and actresses of all kinds being especial favourites, were enriched with the property of the adversaries; if that failed, recourse was had to the goods of perfectly neutral persons. To be possessed of what could excite cupidity was at that period to be in danger of death. It was openly said by the perpetrators of the murders that one man was the victim of his fine house, another of his garden, another of his warm baths.

§ 11. *Anecdote of Quintus Aurelius.*

A quiet and inoffensive man, named Quintus Aurelius, went into the Forum one day to read the names of the proscribed, thinking that he had no more interest in the list than so far as to sympathize with the sufferings of others. What was his horror to see his own name there! 'Alas!' he cried, 'it is my Alban villa that prosecutes me.' The words were scarcely out of his mouth before he was pursued and cut down by an assassin[2].

§ 12. *The murder of Sextus Roscius.*

Among the many horrors of this evil time there is one that has been illustrated for us by the powerful pen of Cicero.

The first of June, B.C. 81, was the date fixed by statute for the termination of the proscriptions and of the sale of the goods. But it is difficult to abolish bad habits by law. Some months after this date a murder was committed in Rome, just after nightfall, at a place called the Palacine Baths. The victim was a man of fashion, who was on his way home from a banquet. His name was Sextus Roscius. He was a

[1] Plut. Sull. 38 ad fin.
[2] Plut. Sull. 31 ad fin.

native of Ameria in Umbria; and was on terms of intimate social intercourse with some of the leading families of Rome, the Metelli, Servilii, and Scipiones. During the civil wars he had sided with the party of the nobles, and had indeed been one of their most strenuous supporters in his own neighbourhood. Hence on the triumph of that party he felt no apprehension during his frequent visits to Rome.

Unfortunately for himself, however, Sextus Roscius had quarrelled with two of his relations, one of whom was named Titus Roscius Capito, the other Titus Roscius Magnus. Still more unfortunately for himself, he was a wealthy man, being the owner of thirteen fertile and well-situated farms. These proved as fatal to him as the Alban villa to Quintus Aurelius.

§ 13. *Connexion of the two Titi Roscii with the crime.*

There is no direct evidence to connect the two Titi Roscii with the crime, but the circumstances which followed it look very black against them.

At daybreak on the following morning the news was brought to Ameria by one Mallius Glaucia, a client and hanger-on of Magnus, who was then in Rome; and it was brought, not to the widow or son of Sextus Roscius, but to Capito, the bitterest enemy of the deceased man. Moreover the messenger posted in such hot haste as to traverse the fifty-six miles between Rome and Ameria in less than the full space of a summer night. Within four days also the murder was reported in Sulla's camp at Volaterrae, a place which, owing to the strength of its position, held out long after the other strongholds of the Marian party had been taken or surrendered.

§ 14. *Complicity of Chrysogonus.*

Cicero's theory is that a coalition had been entered into between the two Titi Roscii and Chrysogonus, a freedman and favourite of Sulla. The facts, as he states them, are in

favour of this supposition. For the name of the deceased Sextus Roscius was by some means placed in the proscription-list, though the time for new entries had expired, and his goods, which were worth upwards of £50,000, were put up to public auction, and knocked down to Chrysogonus for the sum of £17 14*s.* 2*d.*[1] In this way Chrysogonus is seen to have had an interest in the crime. As for the Roscii, one of them, Capito, was ultimately put in possession in his own right of three of the finest of the farms; while the other, Magnus, was sent to Ameria, as agent of Chrysogonus, to take possession of the property of the proscribed and murdered man.

§ 15. *Deputation of the Amerians to Sulla.*

The son of Sextus Roscius, who himself went by the same name, had scarcely had time to attend to his father's funeral, before he was ejected from house and home, and turned into the world a beggar. His hard fate excited so much sympathy among his fellow-townsmen, that an indignation meeting was held on the part of the local government. The decuriones, or town-council, passed a resolution that their ten leading members should go on a deputation to Sulla at Volaterrae, in order to inform him of the true state of the case with regard to Sextus Roscius, and entreat him to vindicate the reputation of the father and the fortunes of the son. It happened untowardly for the success of this expedition, that one of the ten leading members of the town-council was Titus Roscius Capito, the kinsman of the murdered Sextus Roscius. Both he and Magnus, if we may trust the statement of Cicero, had already deserted all their family connexions, and thrown in their fortunes with Chrysogonus[2]. If this were known, it is the more surprising that the rest of the commissioners should have allowed themselves

[1] 2000 sesterces, taking the sesterce at 2·125*d.*, or twopence and half a farthing.

[2] See § 106 of the speech.

to be cajoled by Capito and Chrysogonus into coming away without ever obtaining audience of Sulla. All they brought with them was a promise from Chrysogonus that the name of Sextus Roscius, the father, should be taken off the proscription-list, and that the farms should be evacuated, and restored to the son. For the fulfilment of this promise Capito pledged his faith.

§ 16. *The younger Sextus Roscius takes refuge with Caecilia.*

The promise however was far from being kept; and the son, feeling or fancying his life unsafe, fled to Rome, and took refuge with a lady of high birth, who had been a close friend of his father's. This was Caecilia, daughter of Q. Caecilius Metellus Baliaricus, and granddaughter of the still more celebrated Macedonicus. She was second cousin to Q. Metellus Pius, who was colleague in the consulship with Sulla in B.C. 80, the year in which the speech Pro Roscio was delivered, and also to her namesake, Caecilia Metella, who had been the favoured wife of the dictator, but who died in the same year in which the elder Roscius was murdered (B.C. 81). Over the distressed and persecuted outcast this noble lady threw the aegis of her protection with the same intrepid constancy with which her kinsman Numidicus had stood out alone against the turbulent power of Saturninus.

§ 17. *A charge of parricide brought against him.*

His enemies, enraged at finding themselves thus foiled, had recourse to a design which could only have been suggested by an overweening confidence of power. They tried to rid themselves of the son by accusing him of his father's murder, and hoped to find an obedient bench of jurors who would bring him in guilty of parricide. So sensational a charge had in it all the elements of what we should call nowadays a 'cause célèbre.'

§ 18. *The accuser.*

The prosecutors engaged the services of a noted accuser named Erucius[1], whom Cicero represents as a man devoid of scruples, though not of ability. But their real reliance was on the influence of Chrysogonus, behind whom lay the dreaded power of the dictator, under whose sanction the sale of the proscribed man's goods had taken place.

§ 19. *The friends of Sextus Roscius.*

On the other hand the friends of the murdered father rallied round the son in this dire emergency. Two members of distinguished families, a Scipio and a Metellus, gave their support to Sextus Roscius as his advocati[2], while a third scion of a noble house, M. Valerius Messala, though too young to plead himself, was unflagging in his exertions out of court[3].

§ 20. *Special interest attaching to the case.*

What lent a special interest to the case was the fact that this was the first trial for murder which came on under the new régime of the Sullan constitution. In was in the present year, B.C. 80, that the lex Cornelia was passed, which transferred the judicia to the senatorial body, after they had been in the hands of the equites, since the lex Sempronia of C. Gracchus in B.C. 122[4]. Great curiosity therefore was felt about the manner in which the senators would acquit themselves in their newly recovered capacity as judges.

§ 21. *The court and judge.*

The court before which the case was tried was the quaestio inter sicarios, one of the nine quaestiones perpetuae, es-

[1] The name points to a Greek origin. It has been suggested that he may have been a Sicilian.

[2] § 77. [3] § 149.

[4] Vell. Pat. ii. 32, § 3. Cp. Verr. Act. i. §§ 37, 38.

tablished, or re-established by Sulla. The praetor, or presiding judge, was M. Fannius, who had already acquitted himself honourably in a similar capacity as special commissioner (iudex quaestionis). A charge of parricide would be taken extra ordinem[1], which accounts for this being the first case to come on before the court[2].

§ 22. *Danger of the defence.*

But where was the man to be found who had the courage, eloquence, and tact that were requisite to conduct so delicate a case? For indeed Sulla was not a man to be trifled with, and the task of attacking his favourite was one from which the boldest might well shrink. Those four and twenty lictors did not follow him wholly for show. When Q. Lucretius Ofella, who had deserted to his side and had crowned his victory by storming the younger Marius out of Praeneste, put up for the consulship against his wishes, he had him beheaded in the Forum, and coolly informed the crowd who seized the executioner, that the man had acted by his orders[3]. It is not therefore surprising if the noble friends of Sextus Roscius, while they thought that a stand ought to be made against the insolent tyranny of Chrysogonus, were not very eager to put themselves forward in the front rank. It would be safer if a more obscure man could be induced to undertake the defence.

§ 23. *Cicero is asked to undertake it.*

Accordingly they applied to a young orator, whose name had become known in the Forum within the last two years[4] for his clever conduct of private cases. He could not have a nobler opportunity, they told him, of winning distinction for himself than the present occasion offered[5]. The argument

[1] De Inv. ii. § 58.
[2] § 11.
[3] Liv. Epit. 89; Plut. Sull. 33; Appian, De Bell. Civ. i. 101.
[4] Brut. § 314.
[5] Plut. Cic. 3.

they chose was an effective one, for the orator in question was consumed with a thirst for glory, which prompted him on occasions to a splendid heroism, though he was naturally of a timid disposition.

§ 24. *His previous training.*

Cicero was now in his 27th year [1]. Prior to Sulla's dictatorship he had not practised in the law-courts: for indeed there were no law-courts to practise in [2]. But his spare figure might have been seen daily in the Forum with long thin neck outstretched, eager to catch the tones of the popular orators as they thundered from the rostra [3]. And all the time he had been assiduously practising rhetoric, chiefly under Greek masters, and studying philosophy, logic, and civil law, so that when the courts had been re-established, and he at length appeared in the Forum in his 26th year (B.C. 81), it was not to learn by experience like others, but to exercise the art of which he was already a master [4].

§ 25. *The Pro Quinctio.*

The Pro Quinctio, which is the only specimen we have of the performances of the first year of Cicero's forensic life, contains one of the most eloquent passages that is anywhere to be found in his writings [5]. And in that speech too he had deftly turned the laugh against a renegade, when the latter

[1] Aulus Gellius, N.A. xv. 28, says loosely 'annos iam septem atque viginti natus,' adding however at the end of the same chapter the correct expression 'septimoque et vicesimo pro Q. Roscio.' Quintilian, xii. 6, § 4, says more accurately 'sex et viginti annos natus.' The date of Cicero's birth was 'a. d. Nonas Januarias. Q. Caepione, Q. Serrano consulibus' (Jan. 3, B.C. 106). Pompey was born towards the close of the same year.

[2] 'Sublata iam esse in perpetuum ratio iudiciorum videbatur.' Brut. § 306.

[3] Ibid. §§ 306, 313.

[4] Ibid. § 311.

[5] Pro Quinct. § 95.

sought to make political capital at the cost of an opponent who had been more consistent than himself in his adherence to a fallen cause. Already he had given proof of those powers of persiflage, of that mira urbanitas, which so greatly delighted Quintilian[1], and which formed so marked a feature in his character through life. With such a training and with such native powers Cicero was more than a match for Erucius, despite the long experience of the latter in the tricks of law.

§ 26. *The line of accusation.*

Of the line of attack taken up by the accuser we know nothing beyond what can be gathered from a perusal of the speech itself. It is therefore unnecessary to dwell upon it at any length here. Cicero declares that Erucius had given him no arguments to deal with; and, as it would have been his first duty as an advocate to meet any plausible proofs of guilt, we may safely accept the statement, notwithstanding its one-sided origin. The younger Roscius was represented by Erucius as being a savage rustic, whose father hated him on account of his boorishness; for although the father had been always accompanied by another son, since dead, on his visits to town, he had 'relegated' this one to his farms in the country. Further it was alleged that his father had meant to disinherit him.

§ 27. *Cicero's way of meeting it.*

Against the charge of rusticity Cicero is at no pains to defend his client; but turns it to his own account by praising the *secura quies* and *nescia fallere* vita, of which the Romans were in theory so much enamoured. It is likely enough that the man was one of those incorrigible clod-hoppers, 'whose talk is of oxen,' like the character described by Theophrastus, who took no interest in anything, unless he saw an ox or an ass or a he-goat on the road, and then he

[1] Inst. Orat. vi. 3, § 3.

would stand and stare, or like the English farmer, who, on arriving at Rome, asked to be shown the pig-market. But it is easy for Cicero to show that there is a very long interval between all this and parricide. So, after twitting Erucius on the carelessness with which he had got up his case, Cicero proceeds to bring home the charge of murder to the accuser's own clients, and winds up with a scornful denunciation of the insufferable arrogance of Chrysogonus.

§ 28. *Acquittal of the accused.*

The result was the acquittal of the accused on the charge of parricide, which was all that Cicero dared to ask for. The great injustice of his being robbed of his property was left unrighted. For that was done with Sulla's sanction, and Sulla's acts had the force of law.

§ 29. *Cicero's retirement after his success.*

This case was Cicero's great opportunity, and greatly did he avail himself of it. Thenceforward his fame was made. The passage especially upon the punishment of parricide [1] won him enthusiastic applause [2], uttered as it was with all the vehemence of tone and gesture, which characterized Cicero's early style of declamation [3]. So great indeed was the strain upon his physical powers caused by his manner of delivery, that his friends and physicians, fearing danger to life, advised

[1] Brut. § 312—'Itaque prima causa publica pro Sexto Roscio dicta tantum commendationis habuit, ut non ulla esset quae non digna nostro patrocinio videretur.'

[2] His own more mature judgment led him to regard the style as somewhat crude. Orator, § 107—'Quantis illa clamoribus adulescentuli diximus de supplicio parricidarum? Quae nequaquam satis defervisse post aliquanto sentire coepimus. "Quid enim tam commune . . . conquiescant" et quae sequuntur. Sunt enim omnia sicut adulescentis non tam re et maturitate quam spe et exspectatione laudati.' Cp. Quint. xii. 6, §§ 3, 4.

[3] Brut. § 313; Plut. Cic. 3.

him to abandon his career at the bar. He would rather have died than do this. But he compromised the matter by retiring for two years to Greece and Asia Minor, with the double object of recruiting his health and acquiring a more moderate style of speaking [1].

§ 30. *The motive for it.*

Such is Cicero's own account of his reasons for leaving Rome shortly after his triumphant effort of oratory. Plutarch tells us that his real motive was fear of Sulla, and that the plea of health was a mere excuse. According to this author the charge of parricide had been directly instigated by Sulla himself. These statements however are of doubtful authority, and Cicero's own version of the matter was given more than thirty years after the event [2], when he could not have had much motive for misrepresentation. If his retirement were necessitated by prudence, the fact would have been rather to his credit than otherwise; and he could have mentioned it without a blush in his old age, when he looked back with a pardonable self-complacency upon this bold effort of his youth [3].

II. Rhetorical.

§ 31. *The Asiatic style.*

When eloquence set sail from the Peiraeeus, it lost its pristine health and purity, and became contaminated with

[1] Brut. § 314.

[2] The Brutus was composed in B.C. 46.

[3] In the De Officiis (ii. § 51), which was written in his sixty-third year (B.C. 44), he says—'Maxume autem et gloria paritur et gratia defensionibus, eoque maior, si quando accidit ut ei subveniatur, qui potentis alicuius opibus circumveniri urguerique videatur: ut nos et saepe alias et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus, quae, ut scis, exstat oratio.'

foreign manners. Though Sparta preserved her laconic brevity to the last, the art of speaking was pursued with zeal in other parts of Greece, and famous orators arose in the islands of the Aegean and throughout the cities of Asia. But the Asiatic style, as it was called, was marked by a luxuriance and meretricious ornamentation unknown to the chastity of Attic diction[1]. This style ran into two varieties: the one distinguished rather for the neatness and prettiness of its periods, the other for its flow of highly ornamental and elaborate language. Cicero ascribes the Asiatic style to his great rival Hortensius, whom he declares to have been a master in both of its branches, and accounts for the decadence of that orator in later years partly by the fact that the style was more suitable to youth than to age[2].

§ 32. *The Roman Atticists.*

Cicero in later years displays a decided aversion to the self-styled Atticists, who while professing to aim at simple elegance, succeeded only in being flat and tame. It was a misnomer, Cicero considered, to confine the term Attic to this affected meagreness. His position was that a good style was an Attic style, and that when Pericles thundered and lightened to the Athenian populace, that was one of the varying moods of Attic eloquence.

§ 33. *Cicero belonged to the Rhodian School.*

He is himself sometimes spoken of as having been trained in the Asiatic school of oratory. But whatever we may think of his native temperament and tendencies, by training at least he belonged, not to the Asiatic, but to the Rhodian school, which was considered next in purity to the Attic[3]. The teacher to whom he confesses most obligation was Apollonius Molo, the head of the Rhodian school, who was

[1] Brut. § 51.
[2] Brut. §§ 325, 326.
[3] 'Rhodii saniores et Atticorum similiores.' Brut. § 51.

himself eminent both as a pleader and a writer. It was under the direct influence of Molo that the defence of Roscius was composed, by which Cicero won his fame as an advocate. For when Sulla was appointed dictator, Molo had been sent by his countrymen on a deputation to Rome, and Cicero seized the opportunity of studying under him[1]. So highly did he appreciate the benefit he derived from Molo as a teacher, that when he left Rome, after studying philosophy for six months at Athens, and consorting with the leading rhetoricians of Asia, he repaired to Rhodes, and again put himself under the charge of his former teacher, who had the power of detecting faults and was skilled in the art of instructing[2].

§ 34. *The benefit he derived from his stay abroad.*

The two years which Cicero thus spent abroad were of immense advantage to his subsequent career. He followed precisely the course which Quintilian prescribes for the young aspirant to oratorical fame; for that great teacher would have his pupil overcome nervousness by doing battle in the courts while still young, and then, before he had become hardened by practice, remit himself to his studies with a keener appreciation of the end upon which they should be made to bear. Cicero returned to Rome, to resume his work as an advocate, with restored health and a more robust frame; the monotonous intensity of his early manner of delivery had abated; his style had been clarified and mellowed after its first hot ferment; his youthful redundancy had been curtailed by Molo—in fact he was a changed man. Such at least is his own account of the matter: but on the last-mentioned point we may be per-

[1] Brut. § 312.

[2] Brut. §§ 315, 316; Quint. xii. 6, § 7—'In Asiam navigavit seque et aliis sine dubio eloquentiae ac sapientiae magistris sed praecipue tamen Apollonio Moloni, quem Romae quoque audierat, Rhodi rursus formandum ac velut recoquendum dedit.'

mitted our doubts, for the splendid verbosity with which he records the fact is sufficient disproof of the sincerity of his conversion[1].

§ 35. *The first period of Cicero's style.*

The first period of Cicero's style then may be considered to have closed with his visit to the East; and in that period the Pro Roscio was his masterpiece. The only other works belonging to this period, which have come down to us, are the Pro Quinctio delivered the year before (B. C. 81) and his youthful or boyish treatise on rhetoric, known as the De Inventione, which has been conjecturally assigned to his twenty-first year (B. C. 86).

§ 36. *The De Inventione.*

The De Inventione is an ambitious attempt to unite in one whole the scattered excellences of various writers on rhetoric, and so by an eclectic method to compose an 'Art,' which should surpass all others, in the same way as Zeuxis painted his Helen from five of the fairest maids of Crotona. The De Inventione, however, as its title shows, accomplishes only part of this design[2]: for invention is but the first of five subjects with which a complete art of rhetoric would deal. Whether it was leisure or inclination that was lacking, the treatise was never finished; and Cicero himself spoke of it afterwards with disparagement as little better than the undigested contents of his note-books[3]. He considered it to

[1] Brut. § 316—'Is dedit operam, si modo id consequi potuit, ut nimis redundantes nos et superfluentes iuvenili quadam dicendi impunitate et licentia reprimeret et quasi extra ripas diffluentes coerceret.'

[2] De Inv. i. §§ 29, 30; ii. § 4.

[3] De Orat. i. § 5—'Quae pueris aut adulescentulis nobis ex commentariolis nostris inchoata ac rudia exciderunt, vix hac aetate digna et hoc usu, quem ex causis, quas diximus, tot tantisque consecuti sumus.' Cp. Quint. iii. 6, § 59—'Sunt enim velut re-

be superseded by the De Oratore and the rest of his oratorical works[1]. Nevertheless the treatise has an interest to us, independently of its own merits, though these are more than the author will admit. For it lets us into the secret of the elaborate method, whereby the most consummate master of rhetoric that the world has ever seen was first trained in the technicalities of his art.

§ 37. *The Ad Herennium.*

Closely connected with the De Inventione is the work which goes under the name of Rhetoricorum ad C. Herennium. So close indeed is the connexion between the two as to excuse the assumption of the great scholars of the Renaissance, who ascribed this treatise also to Cicero. The relation of the one to the other is an interesting literary problem. They have whole passages in common, examples, allusions, quotations, and even mistakes, excluding all possibility of coincidence; and yet they diverge from one another on vital points of treatment. The Ad Herennium covers, concisely but completely, the whole field of rhetoric; the De Inventione, as we have seen, is only a fragment, but a fragment of a treatise on a much larger scale. The author of the former poses as a Roman gentleman who consents to gratify a friend by writing in a practical spirit on rhetoric, notwithstanding that he is occupied with family affairs, and would rather devote such leisure as he has to the serious things of philosophy[2]. He confesses himself to be deficient

gestae in hos commentarios, quos adolescens deduxerat, scholae (i. e. lectures entered in his boyish note-books), et si qua est in his culpa tradentis est.'

[1] The Ancients distinguished between the De Inventione and the later writings of Cicero on cognate subjects by calling the former the 'rhetorical' and the latter the 'oratorical' works. See Quint. iii. 1, § 20. Servius on Vergil, Aen. viii. 321; ix. 481, 614, when he refers to the 'rhetorici' of Cicero, is quoting from the De Inventione.

[2] Ad H. i. § 1; iv. § 69.

in the practice of speaking, while claiming to be perfect in theory. He expresses a contempt for the subtleties of logic, but has wide-reaching literary ambitions, and proposes to write on grammar, on mental science, possibly also on the art of war and politics [1].

§ 38. *Its authorship.*

It can be proved from Quintilian that the name of this author was Cornificius [2]. The work itself contains an obscure, but recognisable, reference to the second consulship of Sulla [3]. It was therefore composed after the De Inventione, and if there was imitation, it was on the part of Cornificius, not of Cicero. But the facts are sufficiently accounted for by the supposition that the author attended the same course of lectures as Cicero, and that both pupils subsequently gave to the world the contents of their note-books [4]. If this view be correct, the author of Ad Herennium may very well be the Q. Cornificius who stood against Cicero for the consulship [5], who is referred to in the trial of Verres as a most upright judge [6], to whose charge Cicero committed the conspirator Cethegus [7], and who was the first to lay before the senate the violation of the mysteries of the Bona Dea [8].

[1] See ii. § 16; iv. § 17; iii. § 28; iii. § 3.

[2] Quint. iii. 1, § 21; ix. 3, § 71 compared with Ad H. iv. §§ 20, 21; ix. 3, §§ 89, 98.

[3] Ad H. iv. § 68.

[4] The difficulty in accepting this view is that the author claims credit for originality in his treatment of 'insinuatio' (Ad H. i. §§ 9, 16), whereas the same treatment appears in the De Inventione (i. § 23) without remark. But we do not know when the De Inventione was given to the world, and in claiming originality the writer may mean no more than that the point had not been embodied in any published treatise before. He is confessedly following a master, whom he calls 'noster doctor' in i. § 18.

[5] Ad Att. i. 1, § 1.

[6] Verr. Act. i, § 30.

[7] Sall. Cat. 47.

[8] Ad Att. i. 13, § 3.

§ 39. *Early Roman writers on rhetoric.*

Before either Cicero or Cornificius wrote, the subject of rhetoric had attracted Roman writers. The first to treat of it was no less a person than Cato the Censor. After him M. Antonius, the grandfather of the less justly celebrated Mark Antony, published an unfinished work on the subject. There were also some minor writers on rhetoric before Cicero [1].

§ 40. *The Art of Hermagoras.*

But the Greeks had left little for the Romans to do, as is shown by the exceedingly modest claims to originality put forth by the Roman writers [2]. In fact the whole study was already mapped out for them with even an excessive degree of minuteness [3]. The 'art' most in vogue in Cicero's time was that of Hermagoras, which almost saved men the trouble of thinking. It was the speaker's vade-mecum, and was as celebrated at this period as the Art of Theodorus of Gadara later on [4]. The would-be pleader had only to turn over its pages in order to find the arguments suited to his case : it was difficult for him to go astray, so clever was the system on which it was devised. But while admirable as an aid to invention, it did not give much help towards attaining the graces of diction [5], and Tacitus pronounced it to be very dry [6].

[1] Quint. iii. 1, §§ 19–21.

[2] Cicero claims the credit of novelty only for having incorporated some logical rules of division into his treatment of Partitio ; we have seen how humble were the pretensions of Cornificius.

[3] Ad H. i. 1, § 1 ; Quint. iii. 11, § 22.

[4] Juv. Sat. vii. 177.

[5] Brut. § 263—'Ex hac inopi ad ornandum, sed ad inveniendum expedita Hermagorae disciplina : ea dat rationes certas et praecepta dicendi : quae si minorem habent apparatum, sunt enim exilia, tamen habent ordinem et quasdam errare in dicendo non patientes vias.'

[6] Dial. de Orat. 19.

There is no doubt but that Cicero drew largely upon Hermagoras in composing his De Inventione[1].

§ 41. *Cause of the Roman zeal for rhetoric.*

But if, like other arts and sciences, rhetoric among the Romans was transplanted from Greece, at least it found a most congenial soil in Italy. For there were but two studies in Rome which were the recognised avenues to success in life. The one was law, the other was oratory; and of these two oratory was admittedly the more important. To the Greeks knowledge was a joy in itself; to the Romans it was the road to power. Hence all the efforts of Roman education were concentrated upon the one end of cultivating the faculty of speech.

Let us now take a brief glance at what Cicero in his school days had been taught to regard as the theory of rhetoric. It imparts a new interest to his speeches to compare this theory with his practice.

§ 42. *The genus of rhetoric.*

To begin with, rhetoric is a branch[2] of that great practical science which has for its end to secure the good of man. To the Greeks this science was known as πολιτική; the Romans called it civilis scientia.

§ 43. *Its function and aim.*

The function (officium, ἔργον) of rhetoric is to speak in a manner calculated to persuade; its aim (finis, τέλος) is to persuade by speaking.

[1] See his apology for *not* following Hermagoras in a particular instance (De Inv. i. § 12), and cp. Quint. iii. 11, § 1 with De Inv. i. § 18.

[2] According to Aristotle there is a bar sinister in its pedigree, but that need not trouble us here. Ar. Rhet. i. 2, § 7.

§ 44. *Its subject matter.*

The subject matter (materia, ὕλη) of rhetoric is embraced under the three heads of demonstrative, deliberative, and judicial[1].

Demonstrative rhetoric is that which is concerned with the praise or blame of a particular person.

Deliberative rhetoric displays itself in political debate, and involves the delivery of an opinion.

Judicial rhetoric is occupied with the pleadings in a court of law.

It is to this third department of rhetoric that our attention will be confined.

§ 45. *The requisites of the orator.*

The consummate orator will be perfect in five things—invention, arrangement, style, memory, and delivery.

Invention (Inventio) is the discovery of arguments to prove a given point.

Arrangement (Dispositio) is the effective marshalling of these arguments when discovered.

Style (Elocutio) is the clothing of the thought in fitting language.

Memory (Memoria) is the firm grasp by the mind of thought, language, and arrangement.

Delivery (Pronuntiatio) is the modulation of voice, look, and gesture, to suit the nature of the words and thoughts.

§ 46. *The Four Issues.*

The point on which a legal controversy hinges is called by Cicero the constitutio[2], which we will render 'issue.' By most writers only three issues were recognized, but Herma-

[1] Ἐπιδεικτική, συμβουλευτική, δικανική. Ar. Rhet. i. 3, § 3; cp. Ad Alex. 2, § 1.

[2] The term is a translation of the Greek στάσις, which is rendered by Quintilian (iii. 6) status.

goras added a fourth, and Cicero in his youth[1] thought that he was clearly right in doing so. For the dispute might be not merely as to whether a thing was (controversia facti), or as to the name by which it ought to be called (controversia nominis), or as to the view which should be taken of its nature (controversia generis), but also as to the right method of trying a case (controversia actionis). To these four possibilities of dispute (controversiarum genera) there were four corresponding issues.

The question of fact gave rise to the constitutio coniecturalis.

The question of name gave rise to the constitutio definitiva.

The question of kind gave rise to the constitutio generalis.

The question of procedure gave rise to the constitutio translativa[2].

The constitutio generalis is minutely subdivided. But we will not follow it into its ramifications, especially as Quintilian[3] points out that Cicero had erred on an important point. Neither will we go into the distinction between questions of reasoning (in ratione) and questions of interpretation (in scripto)[4]: for there again Cicero's classification involves him in confusion, as he saw himself in after life[5].

[1] In the Orator (§ 45) which was written in his sixty-first year, Cicero only recognises three issues—sitne, quid sit, quale sit, corresponding to constitutio coniecturalis, definitiva, and generalis.

[2] Cornificius and Cicero part company altogether on this point. Cornificius says that his teacher only recognised three issues, and gives us to understand that it was not out of envy that he refused to adopt the fourth (Ad H. i. § 18). Cicero says that it *was* out of envy that the discovery of Hermagoras was not generally adopted. Cicero's subdivisions of in scripto appear as the constitutio legitima of Cornificius.

[3] iii. 6, §§ 57–59.

[4] Corresponding to the λογικόν and νομικόν of Hermagoras, Quint. iii. 5, § 4.

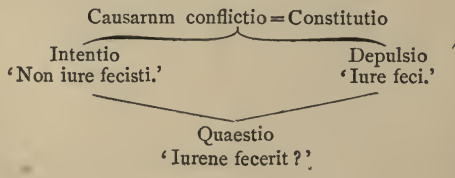
[5] A tacit correction of his youthful error is made in Orat. § 121.

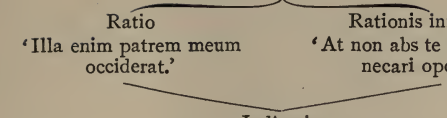
§ 47. *The Quaestio and Iudicatio.*

When the general complexion of the case has been determined, the orator should next fix his attention upon what is technically known as the quaestio. This arises out of the charge (intentio) of the accuser and the denial (depulsio or infitiatio) of the defendant. Thus, to illustrate by one of the stock examples, suppose Orestes were charged with matricide. The fact being admitted, the intentio would be 'Non iure fecisti,' the depulsio 'Iure feci.' Out of these conflicting assertions arises the quaestio 'Iurene fecerit?' But the bare assertion of the defendant that his action was justifiable of course amounts to nothing. We must suppose therefore that it is supported by the plea that Clytaemnestra had murdered his father—'Illa enim patrem meum occiderat.' This plea is met by the demurrer that Orestes was not the right person to execute vengeance—'At non abs te filio matrem necari oportuit.' Out of these counter-arguments arises the exact question which the court has to decide, namely, whether, in view of the fact that Clytaemnestra had murdered the father, it was right that she should be put to death by the son—'Rectumne fuerit ab Oreste matrem occidi, cum illa Orestis patrem occidisset?'

This more precise form of the original question is termed the iudicatio.

The case we have taken is an instance of a constitutio generalis. In a constitutio coniecturalis the quaestio coincides with the iudicatio, since, as the fact is denied, no plea of justification is alleged.





§ 48. *The Parts of a Speech.*

Only when these leading features of the case have been settled will the orator be in a position to arrange the parts of his speech: for every part must be so constructed as to bear upon the iudicatio. Now the speaker who would win a verdict in his favour must introduce his case deftly, state the facts clearly, explain briefly the line of argument he is about to adopt, prove his own position, refute his antagonist, and end with a cunning appeal to the feelings of the jury. Hence the parts of which a speech ought to consist are the following six:—

1. Exordium.
2. Narratio.
3. Partitio (or Divisio).
4. Confirmatio.
5. Reprehensio (or Confutatio).
6. Conclusio (or Peroratio).

§ 49. *The Exordium.*

The object of the orator throughout is to secure the good-will and attention of his hearers and a favourable frame of mind for the reception of his arguments (benevolentia, attentio, docilitas): but this threefold end must be more than ever present to him in his exordium. If the case be one in which a direct attempt to conciliate the court would be dangerous, the orator must have recourse to covert means to attain his end. He is then said to adopt insinuatio, whereas the ordinary form of exordium is called for distinction

principium[1]. The various modes of conciliating goodwill were tabulated for the speaker in his 'art' under the title of benevolentiae loci.

§ 50. *The Narratio.*

The object of the narratio is to set forth the facts in such a way as to make them tell in favour of one's own case and against that of the adversary. Its merits are to be brief, clear, and probable. Under the head of narratio in a wider sense comes the story told by way of illustration or to make some point against the opponents, of which we have instances in the Pro Roscio, in the anecdotes of Fimbria (§ 33), and of the sons of Coelius (§ 64).

§ 51. *The Partitio.*

The partitio should itself consist of two parts—

(1) a statement of the points agreed upon between the parties and of the points in dispute, which amounts to setting forth the iudicatio;

(2) a brief declaration, under definite heads, of the line of argument which it is intended to pursue.

The first section of the partitio is reduced to a vanishing point in the Pro Roscio, since Cicero's position is that the adversaries had not a vestige of fact to go upon[2].

The second section indicates to us the three heads of—

(1) the defence against Erucius;

(2) the countercharge against the Roscii;

(3) the attack on Chrysogonus.

In his Brutus (§ 302) Cicero records that Hortensius was the first Roman orator who used partitio; and in the Pro Quinctio (§ 35) we find him paying his rival the compliment of saying that he will imitate him in adopting it.

[1] In Greek *προοίμιον* and *ἔφοδος*. See Ad H. i. § 6.

[2] Cp. § 8 with § 34 ad fin.

§ 52. *The Confirmatio and Reprehensio.*

The confirmatio is the establishment of the advocate's own position; the reprehensio the overthrow of the adversary's. These two parts are the proper field of invention. In our speech the defence against Erucius is reprehensio, while the countercharge against the Roscii and the attack on Chrysogonus are confirmatio. Into the elaborate array of topics provided for one's aid in finding or refuting arguments, or the proper ways of applying them to the different issues, it would be quite impossible to enter here.

§ 53. *The Conclusio.*

The conclusion, or peroration, consists in full of three parts—

(1) enumeratio;
(2) indignatio;
(3) conquestio.

The first of these parts is meant to refresh the memory of the judges by a brief recapitulation of the arguments that have been employed. The second two are an appeal to feeling. The first part is dispensed with in the Pro Roscio, doubtless because the charge was considered nugatory. The second two are mingled in a masterly manner. Fifteen topics are enumerated in the De Inventione for indignatio and sixteen for conquestio[1].

[1] Servius on Verg. Aen. ix. 481 cites the lament of the mother of Euryalus as a good instance of conquestio—'Nam paene omnes partes habet de misericordia commovenda a Cicerone in Rhetoricis positas.' Cp. De Inv. i. §§ 106–109.

M. TULLII CICERONIS

PRO SEX. ROSCIO AMERINO ORATIO.

Let me explain to you, judges, why I have come forward to undertake this case. I have been chosen, not on account of my merit, but on account of my insignificance, as being best able to speak freely.

Exordium. §§ 1–14.

1 **1.** Credo ego vos, iudices, mirari quid sit quod, cum tot summi oratores hominesque nobilissimi sedeant, ego potissimum surrexerim, qui neque aetate neque ingenio neque auctoritate sim cum his, qui sedeant, comparandus: omnes hi, quos videtis adesse, in hac causa iniuriam novo scelere conflatam putant oportere defendi, defendere ipsi propter iniquitatem temporum non audent; ita fit ut adsint propterea, quod officium sequuntur, taceant autem
2 idcirco, quia periculum vitant. Quid ergo? Audacissimus ego ex omnibus? Minime. At tanto officiosior quam ceteri? ne istius quidem laudis ita sim cupidus, ut aliis eam praereptam velim. Quae me igitur res praeter ceteros impulit, ut causam Sex. Roscii reciperem? Quia, si quis horum dixisset, quos videtis adesse, in quibus summa auctoritas est atque amplitudo, si verbum de re publica fecisset, id quod in hac causa fieri necesse est, multo
3 plura dixisse quam dixisset putaretur: ego etiamsi omnia, quae dicenda sunt, libere dixero, nequaquam tamen similiter oratio mea exire atque in volgus emanare poterit;

deinde quod ceterorum neque dictum obscurum potest esse propter nobilitatem et amplitudinem neque temere dicto concedi propter aetatem et prudentiam: ego si quid liberius dixero, vel occultum esse, propterea quod nondum ad rem publicam accessi, vel ignosci adulescentiae poterit; tametsi non modo ignoscendi ratio, verum etiam cognoscendi consuetudo iam de civitate sublata est. Ac- 4
cedit illa quoque causa, quod a ceteris forsitan ita petitum sit ut dicerent, ut utrumvis salvo officio facere se posse arbitrarentur: a me autem ei contenderunt, qui apud me et amicitia et beneficiis et dignitate plurimum possunt, quorum ego nec benevolentiam erga me ignorare nec auctoritatem aspernari nec voluntatem neglegere debeam. **2.** His de causis ego huic causae patronus exstiti, non 5
electus unus qui maximo ingenio, sed relictus ex omnibus qui minimo periculo possem dicere, neque uti satis firmo praesidio defensus Sex. Roscius, verum uti ne omnino desertus esset. Forsitan quaeratis qui iste terror sit et quae tanta formido, quae tot ac talis viros impediat quo minus pro capite et fortunis alterius, quem ad modum consueverunt, causam velint dicere; quod adhuc vos ignorare non mirum est, propterea quod consulto ab accusatoribus eius rei, quae conflavit hoc iudicium, mentio facta non est.

The desire of Chrysogonus to retain the property of Sextus Roscius is the real motive for this prosecution. He and his confederates want you to save them the trouble of murder by your votes.

Quae res ea est? Bona patris huiusce Sex. Roscii, quae 6
sunt sexagiens, quae de viro clarissimo et fortissimo, L. Sulla, quem honoris causa nomino, duobus milibus nummum sese dicit emisse adulescens vel potentissimus

hoc tempore nostrae civitatis, L. Cornelius Chrysogonus. Is a vobis, iudices, hoc postulat, ut quoniam in alienam pecuniam tam plenam atque praeclaram nullo iure invaserit quoniamque ei pecuniae vita Sex. Roscii obstare atque officere videatur, deleatis ex animo suo suspitionem omnemque metum tollatis: sese hoc incolumi non arbitratur huius innocentis patrimonium tam amplum et copiosum posse obtinere, damnato et eiecto sperat se posse, quod adeptus est per scelus, id per luxuriam effundere atque consumere. Hunc sibi ex animo scrupulum, qui se dies noctisque stimulat ac pungit, ut evellatis, postulat, ut ad hanc suam praedam tam nefariam adiutores vos
7 profiteamini. Si vobis aequa et honesta postulatio videtur, iudices, ego contra brevem postulationem adfero et, quo modo mihi persuadeo, aliquanto aequiorem: **3.** primum a Chrysogono peto ut pecunia fortunisque nostris contentus sit, sanguinem et vitam ne petat; deinde a vobis, iudices, ut audacium sceleri resistatis, innocentium calamitatem levetis et in causa Sex. Roscii periculum,
8 quod in omnis intenditur, propulsetis. Quod si aut causa criminis aut facti suspitio aut quaelibet denique vel minima res reperietur, quam ob rem videantur illi non nihil tamen in deferendo nomine secuti, postremo si praeter eam praedam, quam dixi, quicquam aliud causae inveneritis, non recusamus quin illorum libidini Sex. Roscii vita dedatur; sin aliud agitur nihil nisi ut eis ne quid desit, quibus satis nihil est; si hoc solum hoc tempore pugnatur, ut ad illam opimam praeclaramque praedam damnatio Sex. Roscii velut cumulus accedat, nonne cum multa indigna tum vel hoc indignissimum est, vos idoneos habitos, per quorum sententias iusque iurandum id adsequantur, quod antea ipsi scelere et ferro adsequi con-

sueverant? Qui ex civitate in senatum propter dignitatem, ex senatu in hoc consilium delecti estis propter severitatem, ab his hoc postulare homines sicarios atque gladiatores, non modo ut supplicia vitent, quae a vobis pro maleficiis suis metuere atque horrere debent, verum etiam ut spoliis ex hoc iudicio ornati auctique discedant?

My own shortcomings make it the more necessary that I should appeal to your indulgence, judges, and to yours, M. Fannius.

4. His de rebus tantis tamque atrocibus neque satis 9
me commode dicere neque satis graviter conqueri neque satis libere vociferari posse intellego; nam commoditati ingenium, gravitati aetas, libertati tempora sunt impedimento. Huc accedit summus timor, quem mihi natura pudorque meus attribuit et vestra dignitas et vis adversariorum et Sex. Roscii pericula: quapropter vos oro atque obsecro, iudices, ut attente bonaque cum venia verba mea audiatis. Fide sapientiaque vestra fretus plus 10
oneris sustuli quam ferre me posse intellego: hoc onus si vos aliqua ex parte adlevabitis, feram ut potero studio et industria, iudices; sin a vobis, id quod non spero, deserar, tamen animo non deficiam et id, quod suscepi, quoad potero, perferam; quod si perferre non potero, opprimi me onere officii malo, quam id, quod mihi cum fide semel impositum est, aut propter perfidiam abicere aut propter infirmitatem animi deponere. Te quoque 11
magno opere, M. Fanni, quaeso, ut, qualem te iam antea populo Romano praebuisti, cum huic eidem quaestioni iudex praeesses, talem te et nobis et rei publicae hoc tempore impertias.

The present trial is one of public interest. You have now the opportunity to stamp out an evil which may affect us all.

5. Quanta multitudo hominum convenerit ad hoc iudicium vides; quae sit omnium mortalium exspectatio, quae cupiditas ut acria ac severa iudicia fiant intellegis; longo intervallo iudicium inter sicarios hoc primum committitur: cum interea caedes indignissimae maximaeque factae sint, omnes hanc quaestionem te praetore manifestis maleficiis cotidianoque sanguine †dimissius sperant
12 futuram. Qua vociferatione in ceteris iudiciis accusatores uti consueverunt, ea nos hoc tempore utimur qui causam dicimus: petimus abs te, M. Fanni, a vobisque, iudices, ut quam acerrime maleficia vindicetis, ut quam fortissime hominibus audacissimis resistatis, ut hoc cogitetis, nisi in hac causa qui vester animus sit ostenderitis, eo prorumpere hominum cupiditatem et scelus et audaciam, ut non modo clam, verum etiam hic in foro ante tribunal tuum, M. Fanni, ante pedes vestros, iudices, inter ipsa
13 subsellia caedes futurae sint. Etenim quid aliud hoc iudicio temptatur, nisi ut id fieri liceat? Accusant ei, qui in fortunas huius invaserunt; causam dicit is, cui praeter calamitatem nihil reliquerunt; accusant ei, quibus occidi patrem Sex. Roscii bono fuit: causam dicit is, cui non modo luctum mors patris attulit, verum etiam egestatem; accusant ei, qui hunc ipsum iugulare summe cupierunt: causam dicit is, qui etiam ad hoc ipsum iudicium cum praesidio venit, ne hic ibidem ante oculos vestros trucidetur; denique accusant ei, quos populus poscit: causam dicit is, qui unus relictus ex illorum nefaria caede restat.

That you may know how black the case is, I will give you a detailed account of it.

Atque ut facilius intellegere possitis, iudices, ea, quae 14
facta sunt, indigniora esse, quam haec sunt, quae dicimus, ab initio res quem ad modum gesta sit, vobis exponemus, quo facilius et huius hominis innocentissimi miserias et illorum audaciam cognoscere possitis et rei publicae calamitatem.

My client's father, Sextus Roscius, was a citizen of Ameria, of good birth, wealth, and high connexions. He was a strong adherent of the nobility during the late disturbances. Unfortunately he was on bad terms with his kinsmen, the two Titi Roscii, Capito and Magnus, who are men of the worst character. One night he was murdered in Rome, when returning from a dinner. The news was brought in hot haste to Capito at Ameria by a client of Magnus. Within four days Chrysogonus at Volaterrae was aware of the fact, and a conspiracy was hatched between him and the Roscii. The name of the murdered man was put on the list of the proscribed; his goods were bought by Chrysogonus, who assigned three farms to Capito, and sent Magnus as his agent to dispossess my client of his family estate. All this, I need scarcely say, was without the knowledge of L. Sulla. So much sympathy was felt at Ameria for my client, that a deputation was sent to lodge a complaint with Sulla: but it was rendered ineffectual by collusion between Chrysogonus and Capito, who was himself one of the deputies. My client then finding his life unsafe took refuge with Caecilia; and his persecutors, having failed to murder him themselves, have brought this groundless, but horrible charge of parricide against him, in order that you may do it for them.

Narratio. §§ 15–29.

6. Sex. Roscius, pater huiusce, municeps Amerinus fuit 15
cum genere et nobilitate et pecunia non modo sui mu-

nicipii, verum etiam eius vicinitatis facile primus, tum gratia atque hospitiis florens hominum nobilissimorum; nam cum Metellis, Serviliis, Scipionibus erat ei non modo hospitium, verum etiam domesticus usus et consuetudo, quas, ut aequum est, familias honestatis amplitudinisque gratia nomino: itaque ex omnibus suis commodis hoc solum filio reliquit: nam patrimonium domestici praedones vi ereptum possident, fama et vita innocentis ab
16 hospitibus amicisque paternis defenditur. Is cum omni tempore nobilitatis fautor fuisset, tum hoc tumultu proximo, cum omnium nobilium dignitas et salus in discrimen veniret, praeter ceteros in ea vicinitate eam partem causamque opera, studio, auctoritate defendit; etenim rectum putabat pro eorum honestate se pugnare, propter quos ipse honestissimus inter suos numerabatur. Posteaquam victoria constituta est ab armisque recessimus, cum proscriberentur homines atque ex omni regione caperentur ei, qui adversarii fuisse putabantur, erat ille Romae frequens, in foro et in ore omnium cotidie versabatur, magis ut exsultare victoria nobilitatis videretur quam
17 timere ne quid ex ea calamitatis sibi accideret. Erant ei veteres inimicitiae cum duobus Rosciis Amerinis, quorum alterum sedere in accusatorum subselliis video, alterum tria huiusce praedia possidere audio: quas inimicitias si tam cavere potuisset, quam metuere solebat, viveret: neque enim, iudices, iniuria metuebat: nam duo isti sunt T. Roscii, quorum alteri Capitoni cognomen est, iste, qui adest, Magnus vocatur, homines huius modi: alter plurimarum palmarum vetus ac nobilis gladiator habetur, hic autem nuper se ad eum lanistam contulit; quique ante hanc pugnam tiro esset, [quod sciam,] facile ipsum ma-
18 gistrum scelere audaciaque superavit. **7.** Nam cum hic

Sex. Roscius esset Ameriae, T. autem iste Roscius Romae; cum hic filius adsiduus in praediis esset cumque se voluntate patris rei familiari vitaeque rusticae dedisset, iste autem frequens Romae esset, occiditur ad balneas Palacinas rediens a cena Sex. Roscius: spero ex hoc ipso non esse obscurum, ad quem suspitio maleficii pertineat; verum id, quod adhuc est suspitiosum, nisi perspicuum res ipsa fecerit, hunc adfinem culpae iudicatote. Occiso Sex. 19
Roscio primus Ameriam nuntiat Mallius Glaucia quidam, homo tenuis, libertinus, cliens et familiaris istius T. Roscii, et nuntiat domum non filii, sed T. Capitonis inimici; et cum post horam primam noctis occisus esset, primo diluculo nuntius hic Ameriam venit: decem horis nocturnis sex et quinquaginta milia passuum cisiis pervolavit, non modo ut exoptatum inimico nuntium primus adferret, sed etiam cruorem inimici quam recentissimum telumque paulo ante e corpore extractum ostenderet. Quadriduo, 20
quo haec gesta sunt, res ad Chrysogonum in castra L. Sullae Volaterras defertur; magnitudo pecuniae demonstratur; bonitas praediorum, nam fundos decem et tris reliquit, qui Tiberim fere omnes tangunt, huius inopia et solitudo commemoratur; demonstrant, cum pater huiusce Sex. Roscius homo tam splendidus et gratiosus nullo negotio sit occisus, perfacile hunc hominem incautum et rusticum et Romae ignotum de medio tolli posse; ad eam rem operam suam pollicentur. Ne diutius teneam, iudices, societas coitur. **8.** Cum nulla iam proscriptionis 21
mentio fieret, cum etiam qui antea metuerant redirent ac iam defunctos sese periculis arbitrarentur, nomen refertur in tabulas Sex. Roscii, hominis studiosissimi nobilitatis; manceps fit Chrysogonus; tria praedia vel nobilissima Capitoni propria traduntur, quae hodie possidet; in reli-

quas omnes fortunas iste T. Roscius nomine Chrysogoni, quem ad modum ipse dicit, impetum facit. [Haec bona emuntur duobus milibus nummum.] Haec omnia, iudices,
22 imprudente L. Sulla facta esse certo scio; neque enim mirum, cum eodem tempore et ea quae praeterita sunt* et ea quae videntur instare praeparet, cum et pacis constituendae rationem et belli gerendi potestatem solus habeat, cum omnes in unum spectent, unus omnia gubernet, cum tot tantisque negotiis distentus sit, ut respirare libere non possit, si aliquid non animadvertat, cum praesertim tam multi occupationem eius observent tempusque aucupentur, ut, simul atque ille despexerit, aliquid huiusce modi moliantur. Huc accedit, quod quamvis ille felix sit, sicut est, tamen [in] tanta felicitate nemo potest esse, in magna familia qui neminem neque servum neque liber-
23 tum improbum habeat. Interea iste T. Roscius, vir optimus, procurator Chrysogoni, Ameriam venit; in praedia huius invadit; hunc miserum, luctu perditum, qui nondum etiam omnia paterno funeri iusta solvisset, nudum eicit domo atque focis patriis disque penatibus praecipitem, iudices, exturbat; ipse amplissimae pecuniae fit dominus. qui in sua re fuisset egentissimus, erat, ut fit, insolens in aliena: multa palam domum suam auferebat, plura clam de medio removebat; non pauca suis adiutoribus large effuseque donabat; reliqua constituta auctione vendebat:
24 **9.** quod Amerinis usque eo visum est indignum, ut urbe tota fletus gemitusque fieret. Etenim multa simul ante oculos versabantur: mors hominis florentissimi Sex. Roscii crudelissima, filii autem eius egestas indignissima, cui de tanto patrimonio praedo iste nefarius ne iter quidem ad sepulcrum patrium reliquisset, bonorum emptio flagitiosa, possessio, furta, rapinae, donationes: nemo erat qui non

ardere *illa* omnia mallet quam videre in Sex. Roscii viri optimi atque honestissimi bonis iactantem se ac dominantem T. Roscium. Itaque decurionum decretum statim 25
fit, ut decem primi proficiscantur ad L. Sullam doceantque eum qui vir Sex. Roscius fuerit; conquerantur de istorum scelere et iniuriis; orent ut et illius mortui famam et filii innocentis fortunas conservatas velit. Atque ipsum decretum, quaeso, cognoscite. DECRETUM DECURIONUM. Legati in castra veniunt. Intellegitur, iudices, id quod iam ante dixi, imprudente L. Sulla scelera haec et flagitia fieri. Nam statim Chrysogonus et ipse ad eos accedit et homines nobilis adlegat, *ab* eis qui peterent, ne ad Sullam adirent et omnia Chrysogonum quae vellent esse facturum pollicerentur. Usque adeo autem ille pertimuerat, ut 26
mori mallet quam de his rebus Sullam doceri. Homines antiqui, qui ex sua natura ceteros fingerent, cum ille confirmaret sese nomen Sex. Roscii de tabulis exempturum, praedia vacua filio traditurum, cumque id ita futurum T. Roscius Capito, qui in decem legatis erat, appromitteret, crediderunt; Ameriam re inorata reverterunt. Ac primo rem differre cotidie ac procrastinare isti coeperunt; deinde aliquanto lentius [nihil] agere atque deludere; postremo —id quod facile intellectum est—insidias vitae huiusce [Sex. Roscii] parare, neque sese arbitrari posse diutius alienam pecuniam domino incolumi obtinere. **10.** Quod 27
hic simul atque sensit, de amicorum cognatorumque sententia Romam confugit et sese ad Caeciliam [Nepotis filiam], quam honoris causa nomino, contulit, qua pater usus erat plurimum; in qua muliere, iudices, etiam nunc, id quod omnes semper existimaverunt, quasi exempli causa vestigia antiqui officii remanent. Ea Sex. Roscium inopem, eiectum domo atque expulsum ex suis bonis, fugientem

latronum tela et minas recepit domum hospitique oppresso iam desperatoque ab omnibus opitulata est. Eius virtute, fide, diligentia factum est, ut hic potius vivus in reos
28 quam occisus in proscriptos referretur. Nam postquam isti intellexerunt summa diligentia vitam Sex. Roscii custodiri neque sibi ullam caedis faciundae potestatem dari, consilium ceperunt plenum sceleris et audaciae, ut nomen huius de parricidio deferrent, ut ad eam rem aliquem accusatorem veterem compararent, qui de ea re posset dicere aliquid, in qua re nulla subesset suspitio, denique ut, quoniam crimine non poterant, tempore ipso pugnarent. Ita loqui homines: quod iudicia tam diu facta non essent, condemnari eum oportere, qui primus in iudicium adductus esset; huic autem patronos propter Chrysogoni gratiam defuturos; de bonorum venditione et de ista societate verbum esse facturum neminem: ipso nomine parricidii et atrocitate criminis fore, ut hic nullo negotio
29 tolleretur, cum ab nullo defensus esset. Hoc consilio atque adeo hac amentia impulsi, quem ipsi cum cuperent non potuerunt occidere, eum iugulandum vobis tradiderunt.

Such are the facts. What a mixture of iniquity and effrontery they display!

11. Quid primum querar? Aut unde potissimum, iudices, ordiar? Aut quod aut a quibus auxilium petam? Deorumne immortalium, populine Romani, vestramne, qui summam potestatem habetis, hoc tempore fidem implo-
30 rem? Pater occisus nefarie, domus obsessa ab inimicis, bona adempta, possessa, direpta, filii vita infesta, saepe ferro atque insidiis appetita: quid ab his tot maleficiis sceleris abesse videtur? Tamen haec aliis nefariis cumulant atque adaugent, crimen incredibile confingunt, testis

in hunc et accusatores huiusce pecunia comparant: hanc condicionem misero ferunt, ut optet, utrum malit cervices Roscio dare an insutus in culeum per summum dedecus vitam amittere. Patronos huic defuturos putaverunt: desunt: qui libere dicat, qui cum fide defendat, id quod in hac causa est satis, quoniam quidem suscepi, non deest profecto, iudices. Et forsitan in suscipienda causa temere 31
impulsus adulescentia fecerim: quoniam quidem semel suscepi, licet hercules undique omnes mihi minae et terrores periculaque impendeant omnia, succurram atque subibo: certum est deliberatumque, quae ad causam pertinere arbitror, omnia non modo dicere, verum etiam libenter, audacter libereque dicere; nulla res tanta exsistet, iudices, ut possit vim mihi maiorem adhibere metus quam fides. Etenim quis tam dissoluto animo est, qui haec cum 32
videat, tacere ac neglegere possit? Patrem meum, cum proscriptus non esset, iugulastis; occisum in proscriptorum numerum rettulistis; me domo mea per vim expulistis; patrimonium meum possidetis: quid voltis amplius? Etiamne ad subsellia cum ferro atque telis venistis, ut hic aut iuguletis aut condemnetis [Sex. Roscium]?

To find a parallel we must go back to the case of C. Fimbria accusing Q. Scaevola.

12. Hominem longe audacissimum nuper habuimus in 33
civitate C. Fimbriam et, quod inter omnis constat, nisi inter eos, qui ipsi quoque insaniunt, insanissimum. Is cum curasset in funere C. Marii, ut Q. Scaevola volneraretur, vir sanctissimus atque ornatissimus nostrae civitatis, de cuius laude neque hic locus est ut multa dicantur neque plura tamen dici possunt, quam populus Romanus

memoria retinet, diem Scaevolae dixit, posteaquam comperit eum posse vivere : cum ab eo quaereretur, quid tandem accusaturus esset eum, quem pro dignitate ne laudare quidem quisquam satis commode posset, aiunt hominem, ut erat furiosus, respondisse, quod non totum telum corpore recepisset : quo populus Romanus nihil vidit indignius, nisi eiusdem viri mortem, quae tantum potuit, ut omnis civis perdiderit et adfixerit, quos quia servare per compositionem volebat, ipse ab eis interemptus est.
34 Estne hoc illi dicto atque facto Fimbriano simillimum? Accusatis Sex. Roscium. Quid ita? Quia de manibus vestris effugit; quia se occidi passus non est. Illud quia in Scaevola factum est, magis indignum videtur; hoc, quia fit a Chrysogono, num est ferendum? Nam per deos immortalis, quid est in hac causa quod defensionis indigeat? Qui locus ingenium patroni requirit aut oratoris eloquentiam magno opere desiderat?

There are three topics with which I must deal—the charge itself, the audacity of the adversaries, and their power.

Totam causam, iudices, explicemus atque ante oculos Partitio.
expositam consideremus : ita facillime, quae res totum iudicium contineat et quibus de rebus nos dicere oportet et quid vos sequi conveniat intellegetis. **13.** Tres sunt res, quantum ego existimare possum, quae obstent hoc tempore Sex. Roscio : crimen adversariorum et audacia et potentia. Criminis confictionem accusator [Erucius] suscepit; audaciae partis Roscii sibi poposcerunt; Chrysogonus autem, is qui plurimum potest, potentia pugnat. De hisce omnibus rebus me dicere
36 oportere intellego. Quid igitur est? Non eodem modo de omnibus : ideo quod prima illa res ad meum officium

pertinet, duas autem reliquas vobis populus Romanus imposuit: ego crimen oportet diluam; vos et audaciae resistere et hominum eius modi perniciosam atque intolerandam potentiam primo quoque tempore exstinguere atque opprimere debetis.

The charge is one of parricide. It is a priori *improbable and inconsistent with the character of the accused.*

I. Defence against Erucius, §§ 37–82. **Reprehensio.**

Occidisse patrem Sex. Roscius arguitur. Scelestum, 37
di immortales, ac nefarium facinus atque eius modi, quo uno maleficio scelera omnia complexa esse videantur: etenim si, id quod praeclare a sapientibus dicitur, voltu saepe laeditur pietas, quod supplicium satis acre reperietur in eum, qui mortem obtulerit parenti, pro quo mori ipsum, si res postularet, iura divina atque humana cogebant? In hoc tanto, tam atroci, tam singulari male- 38
ficio, quod ita raro exstitit, ut si quando auditum sit, portenti ac prodigii simile numeretur, quibus tandem tu, C. Eruci, argumentis accusatorem censes uti oportere? Nonne et audaciam eius, qui in crimen vocetur, singularem ostendere et mores feros immanemque naturam et vitam vitiis flagitiisque omnibus deditam [et] denique omnia ad perniciem profligata atque perdita? Quorum tu nihil in Sex. Roscium ne obiciendi quidem causa contulisti. Patrem occidit Sex. Roscius. Qui homo? Adulescentulus corruptus et ab hominibus nequam inductus?
14. Annos natus maior quadraginta. Vetus videlicet 39
sicarius, homo audax et saepe in caede versatus? At hoc ab accusatore ne dici quidem audistis. Luxuries igitur hominem nimirum et aeris alieni magnitudo et indomitae animi cupiditates ad hoc scelus impulerunt? De luxuria purgavit Erucius, cum dixit hunc ne in convivio quidem

ullo fere interfuisse ; nihil autem umquam *cuiquam* debuit ; cupiditates porro quae possunt esse in eo, qui, ut ipse accusator obiecit, ruri semper habitarit et in agro colendo vixerit, quae vita maxime disiuncta a cupiditate est et cum officio coniuncta ?

What motive had Sextus Roscius for such a crime ? You say his father did not like him : but you fail to prove it.

40 Quae res igitur tantum istum furorem Sex. Roscio obiecit ? 'Patri' inquit 'non placebat.' Quam ob causam ? Necesse est enim eam quoque iustam et magnam et perspicuam fuisse : nam ut illud incredibile est, mortem oblatam esse patri a filio sine plurimis et maximis causis, sic hoc veri simile non est, odio fuisse parenti filium sine
41 causis multis et magnis et necessariis. Rursus igitur eodem revertamur et quaeramus quae tanta vitia fuerint in unico filio qua re is patri displiceret. At perspicuum est nullum fuisse. Pater igitur amens qui odisset eum sine causa, quem procrearat. At is quidem fuit omnium constantissimus. Ergo illud iam perspicuum profecto est, si neque amens pater neque perditus filius fuerit, neque odii causam patri neque sceleris filio fuisse.

For it certainly is not shown by his keeping him in the country while he had the other son with him in town.

42 **15.** 'Nescio,' inquit 'quae causa odii fuerit : fuisse odium intellego, quia antea, cum duos filios haberet, illum alterum, qui mortuus est, secum omni tempore volebat esse, hunc in praedia rustica relegarat.' Quod Erucio accidebat in mala nugatoriaque accusatione, idem mihi usu venit in causa optima : ille quo modo crimen commenticium confirmaret non inveniebat ; ego res tam levis

qua ratione infirmem ac diluam reperire non possum. Quid ais, Eruci? Tot praedia, tam pulcra, tam fructuosa 43
Sex. Roscius filio suo relegationis ac supplicii gratia colenda ac tuenda tradiderat? Quid hoc? Patres familias, qui liberos habent, praesertim homines illius ordinis ex municipiis rusticanis, nonne optatissimum sibi putant esse filios suos rei familiari maxime servire et in praediis colendis operae plurimum studiique consumere? An aman- 44
darat hunc sic, ut esset in agro ac tantum modo aleretur ad villam? Ut commodis omnibus careret? Quid? Si constat hunc non modo colendis praediis praefuisse, sed certis fundis patre vivo frui solitum esse? Tamenne haec a te vita eius rusticana relegatio atque amandatio appellabitur? Vides, Eruci, quantum distet argumentatio tua ab re ipsa atque a veritate: quod consuetudine patres faciunt, id quasi novum reprehendis; quod benevolentia fit, id odio factum criminaris; quod honoris causa pater filio suo concessit, id eum supplicii causa fecisse dicis. Neque haec tu non intellegis, sed usque eo quid arguas 45
non habes, ut non modo tibi contra nos dicendum putes, verum etiam contra rerum naturam contraque consuetudinem hominum contraque opiniones omnium.

You might as well say that in the play of Caecilius the old man cares less for Eutychus than for Chaerestratus.

16. At enim cum duos filios haberet, alterum a se non dimittebat, alterum ruri esse patiebatur. Quaeso, Eruci, ut hoc in bonam partem accipias; non enim exprobrandi causa, sed commonendi gratia dicam: si tibi fortuna non 46
dedit ut patre certo nascerere, ex quo intellegere posses, qui animus patrius in liberos esset, at natura certe dedit ut humanitatis non parum haberes; eo accessit studium doc-

trinae, ut ne a litteris quidem alienus esses: ecquid tandem tibi videtur, ut ad fabulas veniamus, senex ille Caecilianus minoris facere Eutychum filium rusticum quam illum alterum Chaerestratum?—nam, ut opinor, hoc nomine est—alterum in urbe secum honoris causa
47 habere, alterum rus supplicii causa relegasse? 'Quid ad istas ineptias abis?' inquies. Quasi vero mihi difficile sit quamvis multos nominatim proferre, ne longius abeam, vel tribulis vel vicinos meos, qui suos liberos, quos plurimi faciunt, agricolas adsiduos esse cupiunt. Verum homines notos sumere odiosum est, cum et illud incertum sit, velintne ei sese nominari, et nemo vobis magis notus futurus sit quam est hic Eutychus, et certe ad rem nihil intersit, utrum hunc ego comicum adulescentem an aliquem ex agro Veiente nominem. Etenim haec conficta arbitror a poëtis esse, ut effictos nostros mores in alienis personis expressamque imaginem [nostram] vitae cotidianae videremus.

But an appeal to real life will show us that fathers like their sons to attend to farming, in which my client had great skill.

48 Age nunc, refer animum sis ad veritatem et considera, non modo in Umbria atque in ea vicinitate, sed in his veteribus municipiis quae studia a patribus familias maxime laudentur: iam profecto te intelleges inopia criminum summam laudem Sex. Roscio vitio et culpae dedisse. **17.** Ac non modo hoc patrum voluntate liberi faciunt, sed permultos et ego novi et, nisi me fallit animus, unus quisque vestrum, qui et ipsi incensi sunt studio, quod ad agrum colendum attinet, vitamque hanc rusticam, quam tu probro et crimini putas esse oportere, et honestissimam et
49 suavissimam esse arbitrantur. Quid censes hunc ipsum

Sex. Roscium, quo studio et qua intellegentia esse in rusticis rebus? Ut ex his propinquis eius, hominibus honestissimis, audio, non tu in isto artificio accusatorio callidior es quam hic in suo. Verum, ut opinor, quoniam ita Chrysogono videtur, qui huic nullum praedium reliquit, et artificium obliviscatur et studium deponat licebit; quod tametsi miserum et indignum est, feret tamen aequo animo, iudices, si per vos vitam et famam potest obtinere: hoc vero est, quod ferri non potest, si et in hanc calamitatem venit propter praediorum bonitatem et multitudinem et, quod ea studiose coluit, id erit ei maxime fraudi, ut parum miseriae sit, quod aliis coluit, non sibi, nisi etiam quod omnino coluit crimini fuerit.

How strange to tax a man with country-life in a commonwealth which boasts of Atilius!

18. Ne tu, Eruci, accusator esses ridiculus, si illis tem- 50
poribus natus esses, cum ab aratro arcessebantur qui consules fierent. Etenim qui praeesse agro colendo flagitium putes, profecto illum Atilium, quem sua manu spargentem semen qui missi erant convenerunt, hominem turpissimum atque inhonestissimum iudicares. At hercule maiores nostri longe aliter et de illo et de ceteris talibus viris existimabant; itaque ex minima tenuissimaque re publica maximam et florentissimam nobis reliquerunt; suos enim agros studiose colebant, non alienos cupide appetebant: quibus rebus et agris et urbibus et nationibus rem publicam atque hoc imperium et populi Romani nomen auxerunt. Neque ego haec eo profero, quo con- 51
ferenda sint cum hisce, de quibus nunc quaerimus, sed ut illud intellegas, cum apud maiores nostros summi viri clarissimique homines, qui omni tempore ad gubernacula

rei publicae sedere debebant, tamen in agris quoque colendis aliquantum operae temporisque consumpserint, ignosci oportere ei homini, qui se fateatur esse rusticum, cum ruri adsiduus semper vixerit; cum praesertim nihil esset quod aut patri gratius aut sibi iucundius aut re vera honestius facere posset.

You add that his father thought of disinheriting him. That might be a point in your favour, if you could allege a particle of proof of it.

52 Odium igitur acerrimum patris in filium ex hoc, opinor, ostenditur, Eruci, quod hunc ruri esse patiebatur. Numquid est aliud? 'Immo vero' inquit 'est; nam istum exheredare in animo habebat.' Audio: nunc dicis aliquid quod ad rem pertineat; nam illa, opinor, tu quoque concedis levia esse atque inepta: 'convivia cum patre non inibat.' Quippe; qui ne in oppidum quidem nisi perraro veniret. 'Domum suam istum non fere quisquam vocabat.' Nec mirum, qui neque in urbe viveret neque revocaturus esset. **19.** Verum haec tu quoque intellegis esse nugatoria: illud, quod coepimus, videamus, quo certius
53 argumentum odii reperiri nullo modo potest: exheredare pater filium cogitabat. Mitto quaerere qua de causa: quaero qui scias; tametsi te dicere atque enumerare causas omnis oportebat, et id erat certe accusatoris officium, qui tanti sceleris argueret, explicare omnia vitia atque peccata filii, quibus incensus parens potuerit animum inducere, ut naturam ipsam vinceret, ut amorem illum penitus insitum eiceret ex animo, ut denique patrem esse sese oblivisceretur; quod sine magnis huiusce peccatis
54 accidere potuisse non arbitror. Verum concedo tibi ut ea praetereas, quae cum taces, nulla esse concedis: illud

quidem, voluisse exheredare certe tu planum facere debes. Quid ergo adfers qua re id factum putemus? Vere nihil potes dicere. Finge aliquid saltem commode, ut ne plane videaris id facere, quod aperte facis, huius miseri fortunis et horum virorum talium dignitati inludere. 'Exheredare filium voluit.' 'Quam ob causam?' 'Nescio.' 'Exheredavitne?' 'Non.' 'Quis prohibuit?' 'Cogitabat.' 'Cui dixit?' 'Nemini.' Quid est aliud iudicio ac legibus ac maiestate vestra abuti ad quaestum atque ad libidinem, nisi hoc modo accusare atque id obicere, quod planum facere non modo non possis, verum ne coneris quidem? Nemo nostrum est, Eruci, quin sciat tibi inimicitias cum 55
Sex. Roscio nullas esse; vident omnes qua de causa huic inimicus venias: sciunt huiusce pecunia te adductum esse. Quid ergo est? Ita tamen quaestus te cupidum esse oportebat, ut horum existimationem et legem Remmiam putares aliquid valere oportere.

Accusers are the watch-dogs of the state: but they must not bark without a reason.

First digression.

20. Accusatores multos esse in civitate utile est, ut metu contineatur audacia: verum tamen hoc ita est utile, ut ne plane inludamur ab accusatoribus. Innocens est quispiam, verum tamen, quamquam abest a culpa, suspitione tamen non caret: tametsi miserum est, tamen ei, qui hunc accuset, possim aliquo modo ignoscere: cum enim aliquid habeat quod possit criminose ac suspitiose dicere, aperte ludificari et calumniari sciens non videatur. Qua re facile omnes patimur esse quam plurimos accusa- 56
tores, quod innocens, si accusatus sit, absolvi potest, nocens, nisi accusatus fuerit, condemnari non potest; utilius est autem absolvi innocentem quam nocentem causam non

dicere. Anseribus cibaria publice locantur et canes aluntur in Capitolio, ut significent si fures venerint; at fures internoscere non possunt; significant tamen, si qui noctu in Capitolium venerint, et quia id est suspitiosum, tametsi bestiae sunt, tamen in eam partem potius peccant, quae est cautior. Quodsi luce quoque canes latrent, cum deos salutatum aliqui venerint, opinor, eis crura suffringantur,
57 quod acres sint etiam tum, cum suspitio nulla sit. Simillima est accusatorum ratio: alii vestrum anseres sunt, qui tantum modo clamant, nocere non possunt, alii canes, qui et latrare et mordere possunt: cibaria vobis praeberi videmus; vos autem maxime debetis in eos impetum facere, qui merentur; hoc populo gratissimum est: deinde, si voletis, etiam tum, cum veri simile erit aliquem commisisse, in suspitione latratote. Id quoque concedi potest. Sin autem sic agetis, ut arguatis aliquem patrem occidisse neque dicere possitis aut qua re aut quo modo ac tantum modo sine suspitione latrabitis, crura quidem vobis nemo suffringet, sed si ego hos bene novi, litteram illam, cui vos usque eo inimici estis, ut etiam Kal. omnis oderitis, ita vehementer ad caput adfigent, ut postea neminem alium nisi fortunas vestras accusare possitis.

Your carelessness can only be accounted for by a belief that my client would find no one to defend him: but in that you have been mistaken.

58 **21.** Quid mihi ad defendendum dedisti, bone accusator? quid hisce autem ad suspicandum? 'Ne exheredaretur veritus est.' 'Audio, sed qua de causa vereri debuerit nemo dicit.' 'Habebat pater in animo.' Planum fac. Nihil est: non, quicum deliberarit, quem certiorem fecerit, Altercatio.

unde istud vobis suspicari in mentem venerit. Cum hoc modo accusas, Eruci, nonne hoc palam dicis: ego quid acceperim scio, quid dicam nescio; unum illud spectavi, quod Chrysogonus aiebat, neminem isti patronum futurum; de bonorum emptione deque ea societate neminem esse qui verbum facere auderet hoc tempore. Haec te opinio falsa in istam fraudem impulit: non mehercules verbum
Second digression. fecisses, si tibi quemquam responsurum putasses. Operae 59
pretium erat, si animadvertistis, iudices, neglegentiam eius in accusando considerare: credo, cum vidisset qui homines in hisce subselliis sederent, quaesisse num ille aut ille defensurus esset: de me ne suspicatum quidem esse, quod antea causam publicam nullam dixerim. Posteaquam invenit neminem eorum, qui possunt et solent, ita neglegens esse coepit, ut cum in mentem veniret ei, resideret, deinde spatiaretur, non numquam etiam puerum vocaret, credo, cui cenam imperaret, prorsus ut vestro consessu et hoc conventu pro summa solitudine abuteretur. **22.** Peroravit 60
aliquando; adsedit; surrexi ego: respirare visus est, quod non alius potius diceret. Coepi dicere. Usque eo animadverti, iudices, eum iocari atque alias res agere, ante quam Chrysogonum nominavi: quem simul atque attigi, statim homo se erexit; mirari visus est. Intellexi quid eum pupugisset. Iterum ac tertio nominavi. Postea homines cursare ultro et citro non destiterunt, credo, qui Chrysogono nuntiarent esse aliquem in civitate, qui contra voluntatem eius dicere auderet; aliter causam agi atque ille existimaret: aperiri bonorum emptionem; vexari pessime societatem; gratiam potentiamque eius neglegi; iudices diligenter attendere; populo rem indignam videri. Quae 61
quoniam te fefellerunt, Eruci, quoniamque vides versa esse omnia, causam pro Sex. Roscio, si non commode, at

libere dici, quem dedi putabas, defendi intellegis, quos traditurus sperabas, vides iudicare, restitue nobis aliquando veterem tuam illam calliditatem atque prudentiam, *aut* confitere *te* huc ea spe venisse, quod putares hic latrocinium, non iudicium futurum.

Though the charge is the atrocious one of parricide, the accuser has not deemed it necessary to allege a motive. Yet a crime so unnatural cannot be believed without overpowering evidence.

De parricidio causa dicitur: ratio ab accusatore reddita
62 non est quam ob causam patrem filius occiderit: quod in minimis noxiis et in his levioribus peccatis, quae magis crebra et iam prope cotidiana sunt, maxime et primum quaeritur, quae causa maleficii fuerit, id Erucius in parricidio quaeri non putat oportere: in quo scelere, iudices, etiam cum multae causae convenisse unum in locum atque inter se congruere videntur, tamen non temere creditur neque levi coniectura res penditur neque testis incertus auditur neque accusatoris ingenio res iudicatur: cum multa antea commissa maleficia, cum vita hominis perditissima, tum singularis audacia ostendatur necesse est, neque audacia solum, sed summus furor atque amentia: haec cum sint omnia, tamen exstent oportet expressa sceleris vestigia, ubi, qua ratione, per quos, quo tempore maleficium sit admissum; quae nisi multa et manifesta sunt, profecto res tam scelesta, tam atrox, tam nefaria
63 credi non potest. Magna est enim vis humanitatis; multum valet communio sanguinis; reclamitat istius modi suspitionibus ipsa natura; portentum atque monstrum certissimum est esse aliquem humana specie et figura, qui tantum immanitate bestias vicerit, ut propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit, cum

etiam feras inter sese partus atque educatio et natura ipsa conciliet.

Would you realise the full enormity of the charge, look at the case of T. Caelius;

Third digression.

23. Non ita multis ante annis aiunt T. Caelium quendam 64
Tarracinensem, hominem non obscurum, cum cenatus cubitum in idem conclave cum duobus adulescentibus filiis isset, inventum esse mane iugulatum. Cum neque servus quisquam reperiretur neque liber ad quem ea suspitio pertineret, id aetatis autem duo filii propter cubantes ne sensisse quidem se dicerent, nomina filiorum de parricidio delata sunt. Quid poterat tam esse suspitiosum? Neutrumne sensisse? Ausum autem esse quemquam, se in id conclave committere, eo potissimum tempore, cum ibidem essent duo adulescentes filii, qui et sentire et defendere facile possent? Erat porro nemo in quem ea suspitio 65
conveniret. Tamen cum planum iudicibus esset factum aperto ostio dormientis eos repertos esse, iudicio absoluti adulescentes et suspitione omni liberati sunt; nemo enim putabat quemquam esse qui, cum omnia divina atque humana iura scelere nefario polluisset, somnum statim capere potuisset, propterea quod, qui tantum facinus commiserunt, non modo sine cura quiescere, sed ne spirare quidem sine metu possunt.

look at the fables of the poets;

Fourth digression.

24. Videtisne quos nobis poëtae tradiderunt patris ulcis- 66
cendi causa supplicium de matre sumpsisse, cum praesertim deorum immortalium iussis atque oraculis id fecisse dicantur, tamen ut eos agitent furiae neque consistere usquam patiantur, quod ne pii quidem sine scelere esse potuerunt?

Sic se res habet, iudices. Magnam vim, magnam necessitatem, magnam possidet religionem paternus maternusque sanguis: ex quo si qua macula concepta est, non modo elui non potest, verum usque eo permanat ad animum, ut
67 summus furor atque amentia consequatur. Nolite enim putare, quem ad modum in fabulis saepe numero videtis, eos, qui aliquid impie scelerateque commiserint, agitari et perterreri Furiarum taedis ardentibus: sua quemque fraus et suus terror maxime vexat; suum quemque scelus agitat amentiaque adficit; suae malae cogitationes conscientiaeque animi terrent: hae sunt impiis adsiduae domesticaeque Furiae, quae dies noctisque parentum poenas a
68 consceleratissimis filiis repetant. Haec magnitudo maleficii facit ut, nisi paene manifestum parricidium proferatur, credibile non sit; nisi turpis adulescentia, nisi omnibus flagitiis vita inquinata, nisi sumptus effusi cum probro atque dedecore, nisi praerupta audacia, nisi tanta temeritas ut non procul abhorreat ab insania; accedat huc oportet odium parentis, animadversionis paternae metus, amici improbi, servi conscii, tempus idoneum, locus opportune captus ad eam rem: paene dicam, respersas manus sanguine paterno iudices videant oportet, si tantum
69 facinus, tam immane, tam acerbum crediturí sunt. Qua re hoc quo minus est credibile, nisi ostenditur, eo magis est, si convincitur, vindicandum.

look at the ancient laws of the Greeks and Romans.

25. Itaque cum multis ex rebus intellegi potest maiores nostros non modo armis plus quam ceteras nationes, verum etiam consilio sapientiaque potuisse, tum ex hac re vel maxime, quod in impios singulare supplicium invenerunt; qua in re quantum prudentia praestiterint eis, qui

apud ceteros sapientissimi fuisse dicuntur, considerate: prudentissima civitas Atheniensium, dum ea rerum potita 70
est, fuisse traditur; eius porro civitatis sapientissimum Solonem dicunt fuisse, eum, qui leges, quibus hodie quoque utuntur, scripsit: is cum interrogaretur cur nullum supplicium constituisset in eum, qui parentem necasset, respondit se id neminem facturum putasse. Sapienter fecisse dicitur, cum de eo nihil sanxerit, quod antea commissum non erat, ne non tam prohibere quam admonere videretur. Quanto nostri maiores sapientius? Qui cum intellegerent nihil esse tam sanctum, quod non aliquando violaret audacia, supplicium in parricidas singulare excogitaverunt, ut, quos natura ipsa retinere in officio non potuisset, magnitudine poenae a maleficio summoverentur: insui voluerunt in culeum vivos atque in flumen deici. **26.** O singu- 71
larem sapientiam, iudices! Nonne videntur hunc hominem ex rerum natura sustulisse et eripuisse, cui repente caelum, solem, aquam terramque ademerint, ut, qui eum necasset, unde ipse natus esset, careret eis rebus omnibus, ex quibus omnia nata esse dicuntur? Noluerunt feris corpus obicere, ne bestiis quoque, quae tantum scelus attigissent, immanioribus uteremur; non sic nudos in flumen deicere, ne, cum delati essent in mare, ipsum polluerent, quo cetera, quae violata sunt, expiari putantur; denique nihil tam vile neque tam volgare est, cuius partem ullam reliquerint. Etenim quid est tam commune quam spiritus vivis, 72
terra mortuis, mare fluctuantibus, litus eiectis? Ita vivunt, dum possunt, ut ducere animam de caelo non queant; ita moriuntur, ut eorum ossa terra non tangat; ita iactantur fluctibus, ut numquam adluantur; ita postremo eiciuntur, ut ne ad saxa quidem mortui conquiescant. Tanti maleficii crimen, cui maleficio tam insigne supplicium est

constitutum, probare te, Eruci, censes posse talibus viris, si ne causam quidem maleficii protuleris? Si hunc apud bonorum emptores ipsos accusares eique iudicio Chrysogonus praeesset, tamen diligentius paratiusque venisses.
73 Utrum quid agatur non vides an apud quos agatur? Agitur de parricidio, quod sine multis causis suscipi non potest; apud homines autem prudentissimos agitur, qui intellegunt neminem ne minimum quidem maleficium sine causa admittere.

Though your inability to allege a motive is sufficient to put you out of court at once, I will condescend to ask you how it was possible for Sextus Roscius to have murdered his father. For he must either have done it himself or have got others to do it for him. He did not do it himself, for he was not at Rome. Therefore he must have got others to do it for him. And those others must have been either freemen or slaves. If freemen, they must either have been from Ameria or from Rome. But if they were from Ameria, their names would have been mentioned; and if they were from Rome, Sextus Roscius could not have communicated with them. It follows therefore that they must have been slaves. But the slaves of Sextus Roscius are all in the hands of Chrysogonus, and the refusal to produce them at our request is conclusive evidence of the innocence of my client and the guilt of yours.

27. Esto: causam proferre non potes: tametsi statim vicisse debeo, tamen de meo iure decedam et tibi, quod in alia causa non concederem, in hac concedam fretus huius innocentia: non quaero abs te qua re patrem Sex. Roscius occiderit: quaero quo modo occiderit. Ita quaero abs te, C. Eruci, quo modo, et sic tecum agam, ut meo loco vel respondendi vel interpellandi tibi potestatem faciam, vel
74 etiam, si quid voles, interrogandi. Quo modo occidit? Ipse percussit an aliis occidendum dedit? Si ipsum arguis,

Romae non fuit: si per alios fecisse dicis, quaero servosne an liberos? *Si per* liberos, quos homines? Indidemne Ameria an hosce ex urbe sicarios? Si Ameria, qui sunt hi? Cur non nominantur? Si Roma, unde eos noverat Roscius, qui Romam multis annis non venit neque umquam plus triduo fuit? Ubi eos convenit? Quicum locutus est? Quo modo persuasit? 'Pretium dedit.' Cui dedit? Per quem dedit? Unde aut quantum dedit? Nonne his vestigiis ad caput maleficii perveniri solet? Et simul tibi in mentem veniat facito quem ad modum vitam huiusce depinxeris: hunc hominem ferum atque agrestem fuisse; numquam cum homine quoquam conlocutum esse; numquam in oppido constitisse. Qua in re praetereo illud, 75
quod mihi maximo argumento ad huius innocentiam poterat esse, in rusticis moribus, in victu arido, in hac horrida incultaque vita istius modi maleficia gigni non solere: ut non omnem frugem neque arborem in omni agro reperire possis, sic non omne facinus in omni vita nascitur: in urbe luxuries creatur; ex luxuria exsistat avaritia necesse est, ex avaritia erumpat audacia; inde omnia scelera ac maleficia gignuntur; vita autem haec rustica, quam tu agrestem vocas, parsimoniae, diligentiae, iustitiae magistra est. **28.** Verum haec missa facio; illud 76
quaero, is homo, qui, ut tute dicis, numquam inter homines fuerit, per quos homines hoc tantum facinus tam occulte, absens praesertim, conficere potuerit. Multa sunt falsa, iudices, quae tamen argui suspitiose possunt; in his rebus si suspitio reperta erit, culpam inesse concedam. Romae Sex. Roscius occiditur, cum in agro Amerino esset filius: litteras, credo, misit alicui sicario, qui Romae noverat neminem. 'Arcessivit aliquem.' Quem aut quando? 'Nuntium misit.' Quem aut ad quem? 'Pretio, gratia, spe,

promissis induxit aliquem.' Nihil horum ne confingi quidem potest, et tamen causa de parricidio dicitur. Reli-
77 quum est ut per servos id admiserit. O di immortales! rem miseram et calamitosam, quod in tali crimine quod innocenti saluti solet esse ut servos in quaestionem polliceatur, id Sex. Roscio facere non licet: vos, qui hunc accusatis, omnis eius servos habetis; unus puer, victus cotidiani minister, ex tanta familia Sex. Roscio relictus non est. Te nunc appello, P. Scipio, te, Metelle: vobis advocatis, vobis agentibus, aliquotiens duos servos paternos in quaestionem ab adversariis Sex. Roscius postulavit: meministisne T. Roscium recusare? Quid? Ei servi ubi sunt? Chrysogonum, iudices, sectantur: apud eum sunt in honore et pretio. Etiam nunc ut ex eis quaeratur
78 ego postulo, hic orat atque obsecrat. Quid facitis? Cur recusatis? Dubitate etiam nunc, iudices, si potestis, a quo sit Sex. Roscius occisus, ab eone, qui propter illius mortem in egestate et *in* insidiis versatur, cui ne quaerendi quidem de morte patris potestas permittitur, an ab eis, qui quaestionem fugitant, bona possident, in caede atque ex caede vivunt. Omnia, iudices, in hac causa sunt misera atque indigna, tamen hoc nihil neque acerbius neque iniquius proferri potest: mortis paternae de servis paternis quaestionem habere filio non licet. Ne tam diu quidem dominus erit in suos, dum ex eis de patris morte quaeratur? Veniam, neque ita multo post, ad hunc locum: nam hoc totum ad Roscios pertinet, de quorum audacia tum me dicturum pollicitus sum, cum Erucii crimina
79 diluissem. **29.** Nunc, Eruci, ad te venio. Conveniat mihi tecum necesse est, si ad hunc maleficium istud pertinet, aut ipsum sua manu fecisse, id quod negas, aut per aliquos liberos aut servos. Liberosne? Quos neque ut con-

venire potuerit neque qua ratione inducere neque ubi neque per quos neque qua spe aut quo pretio potes ostendere. Ego contra ostendo non modo nihil eorum fecisse Sex. Roscium, sed ne potuisse quidem facere, quod neque Romae multis annis fuerit neque de praediis umquam temere discesserit. Restare tibi videbatur servorum nomen, quo quasi in portum reiectus a ceteris suspitionibus confugere posses, ubi scopulum offendis eius modi, ut non modo ab hoc crimen resilire videas, verum omnem suspitionem in vosmet ipsos recidere intellegas. Quid ergo est? Quo tandem accusator inopia 80
argumentorum confugit? 'Eius modi tempus erat,' inquit 'ut homines volgo impune occiderentur, qua re tu hoc propter multitudinem sicariorum nullo negotio facere potuisti.' Interdum mihi videris, Eruci, una mercede duas res adsequi velle, nos iudicio perfundere, accusare autem eos ipsos, a quibus mercedem accepisti. Quid ais? Volgo occidebantur? Per quos et a quibus? Nonne cogitas te a sectoribus huc adductum esse? Quid postea? Nescimus per ista tempora eosdem fere sectores fuisse collorum et bonorum? Ei denique, qui tum armati dies noctisque 81
concursabant, qui Romae erant adsidui, qui omni tempore in praeda et in sanguine versabantur, Sex. Roscio temporis illius acerbitatem iniquitatemque obicient? Et illam sicariorum multitudinem, in qua ipsi duces ac principes erant, huic crimini putabunt fore, qui non modo Romae non fuit, sed omnino quid Romae ageretur nescivit, propterea quod ruri adsiduus, quem ad modum tute confiteris, fuit?

It would be tedious to dwell further on a case so plain. I suppose Erucius does not expect me to meet his irrelevant remarks about embezzlement.

82 Vereor ne aut molestus sim vobis, iudices, aut ne ingeniis vestris videar diffidere, si de tam perspicuis rebus diutius disseram. Erucii criminatio tota, ut arbitror, dissoluta est; nisi forte exspectatis ut illa diluam, quae de peculatu ac de eius modi rebus commenticiis inaudita nobis ante hoc tempus ac nova obiecit; quae mihi iste visus est ex alia oratione declamare, quam in alium reum commentaretur; ita neque ad crimen parricidii neque ad eum, qui causam dicit, pertinebant: de quibus quoniam verbo arguit, verbo satis est negare. Si quid est quod ad testis reservet, ibi quoque nos, ut in ipsa causa, paratiores reperiet quam putabat.

Much as I dislike accusing, my duty in this instance leads me to it. But I will go no further than fidelity to my client demands.

83 **30.** Venio nunc eo, quo me non cupiditas ducit, sed fides; nam si mihi liberet accusare, accusarem alios potius, ex quibus possem crescere; quod certum est non facere, dum utrumvis licebit: is enim mihi videtur amplissimus, qui sua virtute in altiorem locum pervenit, non qui ascendit per alterius incommodum et calamitatem. Desinamus aliquando ea scrutari, quae sunt inania: quaeramus ibi maleficium, ubi et est et inveniri potest. Iam intelleges, Eruci, certum crimen quam multis suspitionibus coarguatur, tametsi neque omnia dicam et leviter unum quidque tangam. Neque enim id facerem, nisi necesse esset, et id erit signi me invitum facere, quod non persequar longius, 84 quam salus huius et mea fides postulabit. Causam tu

II. The counter-charge against the Roscii, §§ 83–123. **Confirmatio.** §§ 83–142.

Probabile ex causa.

nullam reperiebas in Sex. Roscio: at ego in T. Roscio reperio.

The cui bono *argument points to you, Magnus, as being at the bottom of this crime. Moreover you are just the man to commit it, being poor, avaricious and audacious, and being known to have been on bad terms with the murdered man.*

Tecum enim mihi res est, T. Rosci, quoniam istic sedes ac te palam adversarium esse profiteris. De Capitone post viderimus, si, quem ad modum paratum esse audio, testis prodierit: tum alias quoque suas palmas cognoscet, de quibus me ne audisse quidem suspicatur. L. Cassius ille, quem populus Romanus verissimum et sapientissimum iudicem putabat, identidem in causis quaerere solebat, cui bono fuisset. Sic vita hominum est, ut ad maleficium nemo conetur sine spe atque emolumento accedere. Hunc quae- 85
sitorem ac iudicem fugiebant atque horrebant ei, quibus periculum creabatur, ideo quod, tametsi veritatis erat amicus, tamen natura non tam propensus ad misericordiam quam implicatus ad severitatem videbatur. Ego, quamquam praeest huic quaestioni vir et contra audaciam fortissimus et ab innocentia clementissimus, tamen facile me paterer vel illo ipso acerrimo iudice quaerente vel apud Cassianos iudices, quorum etiam nunc ei, quibus causa dicenda est, nomen ipsum reformidant, pro Sex. Roscio dicere. **31.** In hac enim causa cum viderent illos amplis- 86
simam pecuniam possidere, hunc in summa mendicitate esse, illud quidem non quaererent, cui bono fuisset, sed, eo perspicuo, crimen et suspitionem potius ad praedam adiungerent quam ad egestatem. Quid, si accedit eodem ut tenuis antea fueris? Quid, si ut avarus? Quid, si ut audax? Quid, si ut illius, qui occisus est, inimicissimus?

Probabile ex vita.

Num quaerenda causa, quae te ad tantum facinus adduxerit? Quid ergo horum negari potest? Tenuitas hominis eius modi est, ut dissimulari non queat, atque eo magis
87 elucet, quo magis occultatur; avaritiam praefers, qui societatem coieris de municipis cognatique fortunis cum alienissimo; quam sis audax, ut alia obliviscar, hinc omnes intellegere potuerunt, quod ex tota societate, hoc est, ex tot sicariis, solus tu inventus es, qui cum accusatoribus sederes atque os tuum non modo ostenderes, sed etiam offerres; inimicitias tibi fuisse cum Sex. Roscio et magnas rei familiaris controversias concedas necesse est.
88 Restat, iudices, ut hoc dubitemus, uter potius Sex. Roscium occiderit: is, ad quem morte eius divitiae venerint, an is, ad quem mendicitas; is, qui antea tenuis fuerit, an is, qui postea factus sit egentissimus; is, qui ardens avaritia feratur infestus in suos, an is, qui semper ita vixerit, ut quaestum nosset nullum, fructum autem eum solum, quem labore peperisset; is, qui omnium sectorum audacissimus sit, an is, qui propter fori iudiciorumque insolentiam non modo subsellia, verum etiam urbem ipsam reformidet; postremo, iudices, id quod ad rem mea sententia maxime pertinet, utrum inimicus potius an filius.

There, Erucius! If you had had so many strong points in your case, we would never have heard the end of it. Not that I could not make as much of them as you, if I were minded. For such eminence as you possess is due only to the murder of the rest of the accusers. They fell victims to the rage of criminals —we can ill spare them: but the perpetrators of the late outrages shall find all mankind to accuse them.

89 **32.** Haec tu, Eruci, tot et tanta si nactus esses in reo, quam diu diceres! Quo te modo iactares! Tempus, her-

cule, te citius quam oratio deficeret. Etenim in singulis rebus eius modi materies est, ut dies singulos possis consumere; neque ego non possum; non enim tantum mihi derogo, tametsi nihil adrogo, ut te copiosius quam me putem posse dicere. Verum ego forsitan propter multitudinem patronorum in grege adnumerer: te pugna Cannensis accusatorem sat bonum fecit. Multos caesos non ad Trasumenum lacum, sed ad Servilium vidimus:

quis ibi non est volneratus ferro Phrygio? . . . 90

Non necesse est omnis commemorare Curtios, Marios, denique † Mammeos, quos iam aetas a proeliis avocabat, postremo Priamum ipsum [senem], Antistium, quem non modo aetas, sed etiam leges pugnare prohibebant. Iam quos nemo propter ignobilitatem nominat, sescenti sunt, qui inter sicarios et de veneficiis accusabant; qui omnes, quod ad me attinet, vellem viverent; nihil enim mali est canis ibi quam plurimos esse, ubi permulti observandi multaque servanda sunt. Verum, ut fit, multa saepe im- 91
prudentibus imperatoribus vis belli ac turba molitur: dum is in aliis rebus erat occupatus, qui summam rerum administrabat, erant interea qui suis volneribus mederentur; qui, tamquam si offusa rei publicae sempiterna nox esset, ita ruebant in tenebris omniaque miscebant; a quibus miror, ne quod iudiciorum esset vestigium, non subsellia quoque esse combusta: nam et accusatores et iudices sustulerunt. Hoc commodi est, quod ita vixerunt, ut testis omnis, si cuperent, interficere non possent; nam dum hominum genus erit, qui accuset eos non deerit: dum civitas erit, iudicia fient.

I mean to be brief. We have seen that Magnus had a motive for the crime; let us now satisfy ourselves that he had an opportunity. Were you not at Rome at the time, Magnus? Were not murders common, as Erucius reminded us? Were you not one of the class of men by whom such murders were committed? Take point by point, and you will find that the case looks far blacker against yourself than against my client.

Verum, ut coepi dicere, et Erucius, haec si haberet in causa, quae commemoravi, posset ea quamvis diu dicere, et ego, iudices, possum; sed in animo est, quem ad modum ante dixi, leviter transire ac tantum modo perstringere unam quamque rem, ut omnes intellegant me
92 non studio accusare, sed officio defendere. **33.** Videō igitur causas esse permultas quae istum impellerent. Videamus **Locus.** nunc ecquae facultas suscipiendi maleficii fuerit. Ubi occisus est Sex. Roscius? Romae. Quid? Tu, Rosci, ubi tunc eras? Romae. Verum quid ad rem? Et alii multi. Quasi nunc id agatur quis ex tanta multitudine occiderit ac non hoc quaeratur, eum, qui Romae sit occisus, utrum veri similius sit ab eo esse occisum, qui adsiduus eo tempore Romae fuerit, an ab eo, qui multis
93 annis Romam omnino non accesserit. Age, nunc ceteras quoque facultates consideremus. Erat tum multitudo **Tempus.** sicariorum, id quod commemoravit Erucius, et homines impune occidebantur. Quid? Ea multitudo quae erat? Opinor, aut eorum, qui in bonis erant occupati, aut eorum, qui ab eis conducebantur ut aliquem occiderent. Si eos putas, qui alienum appetebant, tu es in eo numero, qui nostra pecunia dives es; sin eos, quos qui leviore nomine appellant percussores vocant, quaere in cuius fide sint et clientela: mihi crede, aliquem de societate tua reperies; et, quicquid tu contra dixeris, id cum defensione nostra

contendito: ita facillime causa Sex. Roscii cum tua conferetur. Dices 'quid postea, si Romae adsiduus fui?' 94
Respondebo 'at ego omnino non fui.' 'Fateor me sectorem esse, verum et alii multi.' 'At ego, ut tute arguis, agricola et rusticus.' 'Non continuo, si me in gregem sicariorum contuli, sum sicarius.' 'At ego profecto, qui ne novi quidem quemquam sicarium, longe absum ab eius modi crimine.' Permulta sunt, quae dici possunt quare intellegatur summam tibi facultatem fuisse maleficii suscipiendi, quae non modo idcirco praetereo, quod te ipsum non libenter accuso, verum eo magis etiam, quod, si de illis caedibus velim commemorare, quae tum factae sunt ista eadem ratione, qua Sex. Roscius occisus est, vereor ne ad pluris oratio mea pertinere videatur.

Now look at the events which followed the deed. They are so damning to you, Magnus, that I would spare you, were it not for your effrontery in sitting as an accuser.

34. Videamus nunc strictim, sicut cetera, quae post 95
mortem Sex. Roscii abs te, T. Rosci, facta sint; quae ita aperta et manifesta sunt, ut me dius fidius, iudices, invitus ea dicam; vereor enim, cuicuimodi es, T. Rosci, ne ita hunc videar voluisse servare, ut tibi omnino non pepercerim. Cum hoc vereor et cupio tibi aliqua ex parte, quod salva fide possim, parcere, rursus immuto voluntatem meam: venit enim mihi in mentem oris tui: tene, cum ceteri socii tui fugerent ac se occultarent, ut hoc iudicium non de illorum praeda, sed de huius maleficio fieri videretur, potissimum tibi partis istas depoposcisse, ut in iudicio versarere et sederes cum accusatore? Qua in re nihil aliud adsequeris, nisi ut ab omnibus mortalibus audacia tua cognoscatur et impudentia.

It was a client of yours who brought the news to Ameria, and not to the house of Sextus Roscius himself, but to that of Capito, his enemy. What made him travel all night at such a pace? How came he to know of the occurrence so soon? Can you not picture him to yourselves, judges, despatched from the very scene of the murder, to bring the news to Capito?

96 Occiso Sex. Roscio, quis primus Ameriam nuntiat? Mallius Glaucia, quem iam antea nominavi, tuus cliens et familiaris. Quid attinuit eum potissimum nuntiare, quod, si nullum iam ante consilium de morte ac de bonis eius inieras nullamque societatem neque sceleris neque praemii cum homine ullo coieras, ad te minime omnium pertinebat? 'Sua sponte Mallius nuntiat.' Quid, quaeso, eius intererat? An, cum Ameriam non huiusce rei causa venisset, casu accidit ut id, quod Romae audierat, primus nuntiaret? Cuius rei causa venerat Ameriam? 'Non possum' inquit 'divinare.' Eo rem iam adducam, ut nihil divinatione opus sit. Qua ratione Roscio Capitoni primum nuntiavit? Cum Ameriae Sex. Roscii domus, uxor liberique essent, cum tot propinqui cognatique optime convenientes, qua ratione factum est ut iste tuus cliens, sceleris tui nuntius, T. Roscio Capitoni potissimum nuntiaret?
97 Occisus est a cena rediens: nondum lucebat, cum Ameriae scitum est. Quid hic incredibilis cursus, quid haec tanta celeritas festinatioque significat? Non quaero quis percusserit; nihil est, Glaucia, quod metuas; non excutio te, si quid forte ferri habuisti, non scrutor, nihil ad me arbitror pertinere: quoniam cuius consilio occisus sit invenio, cuius manu sit percussus non laboro. Unum hoc sumo, quod mihi apertum tuum scelus resque manifesta dat: ubi aut unde audivit Glaucia? Qui tam cito scivit? Fac audisse statim. Quae res eum nocte una tantum itineris

contendere coëgit? Quae necessitas eum tanta premebat, ut, si sua sponte iter Ameriam faceret, id temporis Roma proficisceretur, nullam partem noctis requiesceret? **35.** Etiamne in tam perspicuis rebus argumentatio quaerenda aut coniectura capienda est? Nonne vobis haec, quae 98
audistis, cernere oculis videmini, iudices? Non illum miserum, ignarum casus sui, redeuntem a cena videtis? Non positas insidias? Non impetum repentinum? Non versatur ante oculos vobis in caede Glaucia? Non adest iste T. Roscius? Non suis manibus in curru conlocat Automedontem illum, sui sceleris acerbissimi nefariaeque victoriae nuntium? Non orat ut eam noctem pervĭgilet? Ut honoris sui causa laboret? Ut Capitoni quam primum nuntiet?

The fact that the latter is now in possession of three of the finest of my client's farms is sufficient proof that he was in the plot. And his previous character is quite in keeping with the idea. I have plenty of revelations to make about him, if only he comes forward as a witness, as he has the impudence to propose to do, notwithstanding that it is contrary to the custom of our ancestors for a man to give evidence in a matter which concerns himself.

Quid erat quod Capitonem primum scire voluerit? 99
Nescio: nisi hoc video, Capitonem in his bonis esse socium: de tribus et decem fundis tris nobilissimos fundos eum video possidere. Audio praeterea non hanc suspi- 100
tionem nunc primum in Capitonem conferri; multas esse infamis eius palmas: hanc primam esse tamen lemniscatam, quae Roma *ei* deferatur; nullum modum esse hominis occidendi quo ille non aliquot occiderit, multos ferro, multos veneno; habeo etiam dicere quem contra morem maiorum minorem annis LX de ponte [in Tiberim]

deiecerit; quae si prodierit, atque adeo cum prodierit—
101 scio enim proditurum esse—audiet. Veniat modo: explicet suum volumen illud, quod ei planum facere possum Erucium conscripsisse; quod aiunt illum Sex. Roscio intemptasse et minitatum esse se omnia illa pro testimonio esse dicturum. O praeclarum testem, iudices! O gravitatem dignam exspectatione! O vitam honestam atque eius modi, ut libentibus animis ad eius testimonium vestrum ius iurandum adcommodetis! Profecto non tam perspicue nos istorum maleficia videremus, nisi ipsos
102 caecos redderet cupiditas et avaritia et audacia: **36.** alter ex ipsa caede volucrem nuntium Ameriam ad socium atque ad magistrum suum misit, ut, si dissimulare omnes cuperent se scire ad quem maleficium pertineret, tamen ipse apertum suum scelus ante omnium oculos poneret; alter, si dis immortalibus placet, testimonia etiam in Sex. Roscium dicturus est: quasi vero id nunc agatur, utrum is quod dixerit credendum ac non, quod fecerit vindicandum sit. Itaque more maiorum comparatum est, ut *vel* in minimis rebus homines amplissimi testimonium
103 de sua re non dicerent. Africanus, qui suo cognomine declarat tertiam partem orbis terrarum se subegisse, tamen, si sua res ageretur, testimonium non diceret; nam illud in talem virum non audeo dicere: si diceret, non crederetur. Videte nunc quam versa et mutata in peiorem partem sint omnia: cum de bonis et de caede agatur, testimonium dicturus est is, qui et sector est et sicarius, hoc est, qui et illorum ipsorum bonorum, de quibus agitur, emptor atque possessor est et eum hominem occidendum
104 curavit, de cuius morte quaeritur. Quid tu, vir optime? Ecquid habes quod dicas? Mihi ausculta: vide ne tibi desis; tua quoque res permagna agitur. Multa scelerate,

multa audaciter, multa improbe fecisti; unum stultissime, profecto tua sponte, non de Erucii sententia: nihil opus fuit te istic sedere; neque enim accusatore muto neque teste quisquam utitur eo, qui de accusatoris subsellio surgit. Huc accedit, quod paulo tamen occultior atque tectior vestra ista cupiditas esset. Nunc quid est quod quisquam ex vobis audire desideret, cum quae facitis eius modi sint, ut ea dedita opera a nobis contra vosmet ipsos facere videamini?

The rest of the facts speak for themselves. Chrysogonus at Volaterrae was informed of the murder within four days, and took immediate steps to have the goods of Sextus Roscius sold. It is he and the two Roscii who are now in possession of those goods.

Age nunc illa videamus, iudices, quae statim consecuta 105
sunt: ad Volaterras in castra L. Sullae mors Sex. Roscii quadriduo, quo is occisus est, Chrysogono nuntiatur. **37.** Quaeritur etiam nunc quis eum nuntium miserit? Nonne perspicuum est eundem qui Ameriam? Curat Chrysogonus ut eius bona veneant statim, qui non norat hominem aut rem. At qui ei venit in mentem praedia concupiscere hominis ignoti, quem omnino numquam viderat? Soletis, cum aliquid huiusce modi auditis, iudices, continuo dicere: necesse est aliquem dixisse municipem aut vicinum: ei plerumque indicant; per eos plerique produntur. Hic nihil est quod suspitionem † hoc putetis. Non enim ego 106
ita disputabo: veri simile est Roscios istam rem ad Chrysogonum detulisse; erat enim eis cum Chrysogono iam antea amicitia; nam cum multos veteres a maioribus Roscii patronos hospitesque haberent, omnis eos colere atque observare destiterunt ac se in Chrysogoni fidem et

107 clientelam contulerunt. Haec possum omnia vere dicere, sed in hac causa coniectura nihil opus est: ipsos certo scio non negare ad haec bona Chrysogonum accessisse impulsu suo. Si eum, qui indicii partem acceperit, oculis cernetis, poteritisne dubitare, iudices, quis indicarit? Qui sunt igitur in istis bonis, quibus partem Chrysogonus dederit? Duo Roscii. Num quisnam praeterea? Nemo est, iudices. Num ergo dubium est quin ei obtulerint hanc praedam Chrysogono, qui ab eo partem praedae tulerunt?
108 Age nunc ex ipsius Chrysogoni iudicio Rosciorum factum consideremus: si nihil in ista pugna Roscii quod operae pretium esset fecerant, quam ob causam a Chrysogono tantis praemiis donabantur? Si nihil aliud fecerunt, nisi rem detulerunt, nonne satis fuit eis gratias agi? Denique, ut perliberaliter ageretur, honoris aliquid haberi? Cur tria praedia tantae pecuniae statim Capitoni dantur? Cur quae reliqua sunt iste Roscius omnia cum Chrysogono communiter possidet? Nonne perspicuum est, iudices, has manubias Rosciis Chrysogonum re cognita concessisse?

You may judge of the character of Capito from his treacherous conduct on the deputation from the Amerians to Sulla, in which he played into the hands of Chrysogonus.

109 **38.** Venit in decem primis legatus in castra Capito. Totam vitam, naturam moresque hominis ex ipsa legatione cognoscite: nisi intellexeritis, iudices, nullum esse officium, nullum ius tam sanctum atque integrum, quod non eius scelus atque perfidia violarit et imminuerit, virum
110 optimum esse eum iudicatote. Impedimento est quo minus de his rebus Sulla doceatur; ceterorum legatorum consilia et voluntatem Chrysogono enuntiat; monet ut provideat ne palam res agatur; ostendit, si sublata sit

venditio bonorum, illum pecuniam grandem amissurum, sese capitis periculum aditurum; illum acuere, hos, qui simul erant missi, fallere; illum identidem monere ut caveret, hisce insidiose spem falsam ostendere; cum illo contra hos inire consilia, horum consilia illi enuntiare; cum illo partem suam depecisci, hisce aliqua fretus mora semper omnis aditus ad Sullam intercludere; postremo isto hortatore, auctore, intercessore ad Sullam legati non adierunt; istius fide ac potius perfidia decepti, id quod ex ipsis cognoscere poteritis, si accusator voluerit testimonium eis denuntiare, pro re certa spem falsam domum rettulerunt.

He was guilty of a breach of trust towards his fellow-townsmen;

In privatis rebus si qui rem mandatam non modo 111
malitiosius gessisset sui quaestus aut commodi causa, verum etiam neglegentius, eum maiores summum admisisse dedecus existimabant; itaque mandati constitutum est iudicium non minus turpe quam furti, credo, propterea quod quibus in rebus ipsi interesse non possumus, in eis operae nostrae vicaria fides amicorum supponitur, quam qui laedit, oppugnat omnium commune praesidium et quantum in ipso est disturbat vitae societatem. Non enim possumus omnia per nos agere; alius in alia est re magis utilis: idcirco amicitiae comparantur, ut commune commodum mutuis officiis gubernetur. Quid recipis man- 112
datum, si aut neglecturus aut ad tuum commodum conversurus es? Cur mihi te offers ac meis commodis officio simulato officis et obstas? Recede de medio; per alium transigam: suscipis onus officii, quod te putas sustinere *non* posse, quod minime videtur grave eis, qui minime ipsi leves sunt. **39.** Ergo idcirco turpis haec culpa est, quod

duas res sanctissimas violat, amicitiam et fidem: nam neque mandat quisquam fere nisi amico neque credit nisi ei, quem fidelem putat. Perditissimi est igitur hominis simul et amicitiam dissolvere et fallere eum, qui laesus
113 non esset, nisi credidisset. Itane est? In minimis rebus qui mandatum neglexerit, turpissimo iudicio condemnetur necesse est, in re tanta cum is, cui fama mortui, fortunae vivi commendatae sunt atque concreditae, ignominia mortuum, *inopia vivum* adfecerit, is inter honestos homines atque adeo inter vivos numerabitur? In minimis privatisque rebus etiam neglegentia mandati in crimen iudiciumque [infamia] vocatur, propterea quod, si ratione fiat, illum neglegere oporteat qui mandarit, non illum qui mandatum receperit: in re tanta, quae publice gesta atque commissa sit, qui non neglegentia privatum aliquod commodum laeserit, sed perfidia legationis ipsius caerimoniam polluerit maculaque asperserit, qua is tandem poena ad-
114 ficietur aut quo iudicio damnabitur? Si hanc ei rem privatim Sex. Roscius mandavisset, ut cum Chrysogono transigeret atque decideret, inque eam rem fidem suam, si quid opus esse putaret, interponeret, illeque sese facturum recepisset, nonne, si ex eo negotio tantulum in rem suam convertisset, damnatus per arbitrum et rem resti-
115 tueret et honestatem omnem amitteret? Nunc non hanc ei rem Sex. Roscius mandavit, sed, id quod multo gravius est, ipse Sex. Roscius cum fama, vita bonisque omnibus a decurionibus publice [Roscio] mandatus est; et ex eo T. Roscius non paulum nescio quid in rem suam convertit, sed hunc funditus evertit bonis, ipse tria praedia sibi depectus est, voluntatem decurionum ac municipum omnium tantidem quanti fidem suam fecit.

and of deceiving his partners on the embassy.

40. Videte iam porro cetera, iudices, ut intellegatis 116
fingi maleficium nullum posse quo iste sese non contaminarit. In rebus minoribus socium fallere turpissimum est aequeque turpe atque illud, de quo ante dixi; neque iniuria, propterea quod auxilium sibi se putat adiunxisse, qui cum altero rem communicavit. Ad cuius igitur fidem confugiet, cum per eius fidem laeditur cui se commiserit? Atque ea sunt animadvertenda peccata maxime, quae difficillime praecaventur. Tecti esse ad alienos possumus; intimi multa apertiora videant necesse est: socium cavere qui possumus? Quem etiam si metuimus, ius officii laedimus. Recte igitur maiores eum, qui socium fefellisset, in virorum bonorum numero non putarunt haberi oportere. At vero T. Roscius non unum rei pecuniariae socium 117
fefellit, quod, tametsi grave est, tamen aliquo modo posse ferri videtur, verum novem homines fortissimos, eiusdem muneris, legationis, officii mandatorumque socios induxit, decepit, destituit, adversariis tradidit, omni fraude et perfidia fefellit: qui de eius scelere suspicari nihil potuerunt, socium officii metuere non debuerunt, eius malitiam non viderunt, orationi vanae crediderunt. Itaque nunc illi homines honestissimi propter istius insidias parum putantur cauti providique fuisse; iste, qui initio proditor fuit, deinde perfuga, qui primo sociorum consilia adversariis enuntiavit, deinde societatem cum ipsis adversariis coiit, terret etiam nos ac minatur, tribus praediis, hoc est praemiis sceleris, ornatus.

It is in a moral soil like this that you might expect the growth of crime.

In eius modi vita, iudices, in his tot tantisque flagitiis hoc quoque maleficium, de quo iudicium est, reperietis.
118 Etenim quaerere ita debetis: ubi multa avare, multa audacter, multa improbe, multa perfidiose facta videbitis, ibi scelus quoque latere inter illa tot flagitia putatote. Tametsi hoc quidem minime latet, quod ita promptum et propositum est, ut non ex illis maleficiis, quae in illo constat esse, hoc intellegatur, verum ex hoc etiam, si quod illorum forte dubitabitur, convincatur. Quid tandem, quaeso, iudices? Num aut ille lanista omnino iam a gladio recessisse videtur aut iste discipulus magistro tantulum de arte concedere? Par est avaritia, similis improbitas, eadem impudentia, gemina audacia.

We have seen the good faith of the master. Look now at the justice of the pupil, who refused to allow the slaves of Sextus Roscius to be examined. Such a refusal amounts to a confession of guilt. We are told they are with Chrysogonus. And this brings me to my third head—the undue influence which he is allowed to exercise.

119 **41.** Etenim, quoniam fidem magistri cognostis, cognoscite nunc discipuli aequitatem. Dixi iam antea saepe numero postulatos esse ab istis duos servos in quaestionem. Tu semper, T. Rosci, recusasti. Quaero abs te: eine qui postulabant indigni erant qui impetrarent? An is te non commovebat, pro quo postulabant? An res ipsa tibi iniqua videbatur? Postulabant homines nobilissimi atque integerrimi nostrae civitatis, quos iam antea nominavi; qui ita vixerunt talesque a populo Romano putantur, ut quicquid dicerent nemo esset qui non aequum putaret; postulabant autem pro homine miserrimo atque infelicissimo, qui vel ipse sese in

cruciatum dari cuperet, dum de patris morte quaereretur; res porro abs te eius modi postulabatur, ut nihil interesset, 120 utrum eam rem recusares an de maleficio confiterere. Quae cum ita sint, quaero abs te quam ob causam recusaris. Cum occiditur Sex. Roscius, ibidem fuerunt. Servos ipsos, quod ad me attinet, neque arguo neque purgo: quod a vobis hoc pugnari video ne in quaestionem dentur, suspitiosum est; quod vero apud vos ipsos in honore tanto sunt, profecto necesse est sciant aliquid, quod si dixerint, perniciosum vobis futurum sit. 'In dominos quaeri de servis iniquum est.' 'At n*eque in dominos* quaeritur: Sex. enim Roscius reus est; neque est iniquum in hunc quaeri: vos enim dominos esse dicitis.' 'Cum Chrysogono sunt.' Ita credo: litteris eorum et urbanitate Chrysogonus ducitur, ut inter suos omnium deliciarum atque omnium artium puerulos ex tot elegantissimis familiis lectos velit hos versari, homines paene operarios, ex Amerina disciplina patris familiae rusticani. Non ita 121 est profecto, iudices: non est veri simile ut Chrysogonus horum litteras adamarit aut humanitatem, non ut rei familiaris negotio diligentiam cognorit eorum et fidem: est quiddam, quod occultatur, quod quo studiosius ab ipsis opprimitur et absconditur, eo magis eminet et apparet. **42.** Quid igitur? Chrysogonus suine maleficii occultandi causa 122 quaestionem de his haberi non volt? Minime, iudices: non in omnis arbitror omnia convenire. Ego in Chrysogono, quod ad me attinet, nihil eius modi suspicor; neque hoc mihi nunc primum in mentem venit dicere. Meministis me ita distribuisse initio causam: in crimen, cuius tota argumentatio permissa Erucio est, et in audaciam, cuius partes Rosciis impositae sunt: quicquid maleficii, sceleris, caedis erit, proprium id Rosciorum esse debebit; nimiam

gratiam potentiamque Chrysogoni dicimus et nobis obstare et perferri nullo modo posse et a vobis, quoniam potestas data est, non modo infirmari, verum etiam vindicari
123 oportere. Ego sic existimo : qui quaeri velit ex eis, quos constat, cum caedes facta est, adfuisse, eum cupere verum inveniri; qui recuset, eum profecto, tametsi verbo non audeat, tamen re ipsa de maleficio suo confiteri. Dixi initio, iudices, nolle me plura de istorum scelere dicere, quam causa postularet ac necessitas ipsa cogeret; nam et multae res adferri possunt et una quaeque earum multis cum argumentis dici potest; verum ego, quod invitus ac necessario facio, neque diu neque diligenter facere possum; quae praeteriri nullo modo poterant, ea leviter, iudices, attigi; quae posita sunt in suspitionibus, de quibus si coepero dicere, pluribus verbis sit disserendum, ea vestris ingeniis coniecturaeque committo.

The whole conspiracy has sheltered itself under the name of Chrysogonus. I can deal with him without raising the general question of the proscription. For I deny that the terms of it could apply to Sextus Roscius.

III. Attack on Chrysogonus, §§ 124–142.

124 **43.** Venio nunc ad illud nomen aureum [Chrysogoni], sub quo nomine tota societas latuit: de quo, iudices, neque quo modo dicam neque quo modo taceam reperire possum. Si enim taceo, vel maximam partem relinquo; sin autem dico, vereor ne non ille solus, id quod ad me nihil attinet, sed alii quoque plures laesos se esse putent. Tametsi ita se res habet, ut mihi in communem causam sectorum dicendum nihil magno opere videatur; haec enim causa
125 nova profecto et singularis est: bonorum Sex. Roscii emptor est Chrysogonus. Primum hoc videamus: eius hominis bona qua ratione venierunt aut quo modo venire

potuerunt? Atque hoc non ita quaeram, iudices, ut id dicam esse indignum, hominis innocentis bona venisse; si enim haec audientur ac libere dicentur, non fuit tantus homo Sex. Roscius in civitate, ut de eo potissimum conqueramur. Verum [ego] hoc quaero: qui potuerunt ista ipsa lege, quae de proscriptione est, sive Valeria est sive Cornelia,—non enim novi nec scio—verum ista ipsa lege bona Sex. Roscii venire qui potuerunt? Scriptum 126
enim ita dicunt esse: UT EORUM BONA VENEANT, QUI PROSCRIPTI SUNT: quo in numero Sex. Roscius non est: AUT EORUM, QUI IN ADVERSARIORUM PRAESIDIIS OCCISI SUNT: dum praesidia ulla fuerunt, in Sullae praesidiis fuit; postea quam ab armis recessum est, in summo otio rediens a cena Romae occisus est. Si lege, bona quoque lege venisse fateor; sin autem constat, contra omnis non modo veteres leges, verum etiam novas occisum esse, bona quo iure aut quo more aut qua lege venierint quaero.

You think that I am about to attack Sulla, Erucius. But I ascribe this tissue of injustice to the trickery of Chrysogonus. It is quite possible that the sale of the goods is a fiction altogether. Sulla has the world to rule, and cannot be expected to see what goes on in every corner.

44. In quem hoc dicam quaeris, Eruci? Non in eum, 127
quem vis et putas; nam Sullam et oratio mea ab initio et ipsius eximia virtus omni tempore purgavit. Ego haec omnia Chrysogonum fecisse dico, ut ementiretur, ut malum civem Roscium fuisse fingeret, ut eum apud adversarios occisum esse diceret, ut his de rebus a legatis Amerinorum doceri L. Sullam passus non sit; denique etiam illud suspicor, omnino haec bona non venisse: id quod postea, si per vos, iudices, licitum erit, aperietur. Opinor 128

enim esse in lege, quam ad diem proscriptiones venditionesque fiant; [nimirum] KALENDAS IUNIAS: aliquot post mensis et homo occisus est et bona venisse dicuntur. Profecto aut haec bona in tabulas publicas nulla redierunt nosque ab isto nebulone facetius eludimur quam putamus, aut, si redierunt, tabulae publicae corruptae aliqua ratione sunt; nam lege quidem bona venire non potuisse constat. Intellego me ante tempus, iudices, haec scrutari et prope modum errare, qui, cum capiti Sex. Roscii mederi debeam, reduviam curem. Non enim laborat de pecunia; non ullius rationem sui commodi ducit; facile egestatem suam se laturum putat, si hac indigna suspitione et ficto
129 crimine liberatus sit. Verum quaeso a vobis, iudices, ut haec pauca, quae restant, ita audiatis, ut partim me dicere pro me ipso putetis, partim pro Sex. Roscio. Quae enim mihi indigna et intolerabilia videntur quaeque ad omnis, nisi providemus, arbitror pertinere, ea pro me ipso ex animi mei sensu ac dolore pronuntio: quae ad huius vitae [casum] causam[que] pertineant et quid hic pro se dici velit et qua condicione contentus sit iam in extrema
130 oratione nostra, iudices, audietis. **45.** Ego haec a Chrysogono, mea sponte, remoto Sex. Roscio, quaero: primum qua re civis optimi bona venierint, deinde qua re hominis eius, qui *neque proscriptus* neque apud adversarios occisus est, bona venierint, cum in eos solos lex scripta sit, deinde qua re aliquanto post eam diem venierint, quae dies in lege praefinita est, deinde cur tantulo venierint: quae omnia si, quem ad modum solent liberti nequam et improbi facere, in patronum suum voluerit conferre, nihil egerit; nemo est enim qui nesciat propter magnitudinem rerum multa multos furtim imprudente L. Sulla com-
131 misisse. Placet igitur in his rebus aliquid imprudentia

praeteriri? Non placet, iudices, sed necesse est. Etenim si Iuppiter optimus maximus, cuius nutu et arbitrio caelum, terra mariaque reguntur, saepe ventis vehementioribus aut immoderatis tempestatibus aut nimio calore aut intolerabili frigore hominibus nocuit, urbis delevit, fruges perdidit, quorum nihil pernicii causa divino consilio, sed vi ipsa et magnitudine rerum factum putamus, at contra commoda quibus utimur lucemque qua fruimur spiritumque quem ducimus ab eo nobis dari atque impertiri videmus, quid miramur L. Sullam, cum solus rem publicam regeret orbemque terrarum gubernaret imperiique maiestatem, quam armis receperat, legibus confirmaret, aliqua animadvertere non potuisse? Nisi hoc mirum est, quod vis divina adsequi non possit, si id mens humana adepta non sit. Verum ut haec missa faciam, quae iam facta sunt, ex 132
eis, quae nunc cum maxime fiunt, nonne quivis potest intellegere omnium architectum et machinatorem unum esse Chrysogonum, qui Sex. Roscii nomen deferendum curavit [hoc iudicium], cuius honoris causa accusare se dixit Erucius?

Look at the wealth and luxury of Chrysogonus, his dissipation, and the airs the creature gives himself. I say nothing as to his acts: though, having favoured the cause of the nobility myself, I would have a right to blame one who is a blot on it. It was not to secure the triumph of such as he that the battle was fought and the victory won.

Desunt non pauca.

* * in vico Pallacine * * maxime metuit * * in Veientanam * * manu praedia praediis * * hic ego audire istos cupio * *

46. aptam et ratione dispositam se habere existimant, qui in Salentinis aut in Bruttiis habent, unde vix ter in anno

133 audire nuntium possunt. Alter tibi descendit de Palatio et aedibus suis: habet animi causa rus amoenum et suburbanum, plura praeterea praedia neque tamen ullum nisi praeclarum et propinquum; domus referta vasis Corinthiis et Deliacis, in quibus est authepsa illa, quam tanto pretio nuper mercatus est, ut qui praetereuntes quid praeco enumeraret audiebant, fundum venire arbitrarentur. Quid praeterea caelati argenti, quid stragulae vestis, quid pictarum tabularum, quid signorum, quid marmoris apud illum putatis esse? Tantum scilicet, quantum e multis splendidisque familiis in turba et rapinis coacervari una in domo potuit. Familiam vero quantam et quam variis cum artificiis habeat quid ego dicam?
134 Mitto hasce artis volgaris, coquos, pistores, lecticarios: animi et aurium causa tot homines habet, ut cotidiano cantu vocum et nervorum et tibiarum nocturnisque conviviis tota vicinitas personet. In hac vita, iudices, quos sumptus cotidianos, quas effusiones fieri putatis? Quae vero convivia? Honesta, credo, in eius modi domo, si domus haec habenda est potius quam officina nequitiae
135 et deversorium flagitiorum omnium. Ipse vero quem ad modum composito et delibuto capillo passim per forum volitet cum magna caterva togatorum videtis, iudices, [etiam videtis, iudices,] ut omnis despiciat, ut hominem prae se neminem putet, ut se solum beatum, solum potentem putet; quae vero efficiat et quae conetur, si velim commemorare, vereor, iudices, ne quis imperitior existimet me causam nobilitatis victoriamque voluisse laedere: tametsi meo iure possum, si quid in hac parte mihi non placeat vituperare; non enim vereor ne quis alienum me
136 animum habuisse a causa nobilitatis existimet. **47.** Sciunt ei, qui me norunt, me pro mea tenui infirmaque parte, postea

quam id quod maxime volui fieri non potuit ut componeretur, id maxime defendisse, ut ei vincerent, qui vicerunt. Quis enim erat, qui non videret humilitatem cum [dignitate de] amplitudine contendere? Quo in certamine perditi civis erat non se ad eos iungere, quibus incolumibus et domi dignitas et foris auctoritas retineretur. Quae perfecta esse et suum cuique honorem et gradum redditum gaudeo, iudices, vehementerque laetor, eaque omnia deorum voluntate, studio populi Romani, consilio et imperio et felicitate L. Sullae gesta esse intellego. Quod 137
animadversum est in eos, qui contra omni ratione pugnarunt, non debeo reprehendere: quod viris fortibus, quorum opera eximia in rebus gerendis exstitit, honos habitus est, laudo; quae ut fierent, idcirco pugnatum esse arbitror meque in eo studio partium fuisse confiteor. Sin autem id actum est et idcirco arma sumpta sunt, ut homines postremi pecuniis alienis locupletarentur et in fortunas unius cuiusque impetum facerent, et id non modo re prohibere non licet, sed ne verbis quidem vituperare, tum vero in isto bello non recreatus neque restitutus, sed subactus oppressusque populus Romanus est.

Let no man pretend that his tongue is tied, or that the victory of the nobles implies that Chrysogonus is to influence the courts. To show courage and mercy is the best way to vindicate your position. You will be aiding the cause of the nobility, if you resist Chrysogonus.

Verum longe aliter est; nihil horum est, iudices: non 138
modo non laedetur causa nobilitatis, si istis hominibus resistetis, verum etiam ornabitur. **48.** Etenim qui haec vituperare volunt, Chrysogonum tantum posse queruntur; qui laudare volunt, concessum ei non esse commemorant.

Ac iam nihil est quod quisquam aut tam stultus aut tam improbus sit qui dicat 'vellem quidem liceret: hoc dixissem.' Dicas licet. 'Hoc fecissem.' Facias licet: nemo prohibet. 'Hoc decrevissem.' Decerne, modo recte: omnes approbabunt. 'Hoc iudicassem.' Laudabunt om-
139 nes, si recte et ordine iudicaris. Dum necesse erat resque ipsa cogebat, unus omnia poterat: qui postea quam magistratus creavit legesque constituit, sua cuique procuratio auctoritasque est restituta; quam si retinere volunt ei, qui reciperarunt, in perpetuum poterunt obtinere; sin has caedis et rapinas et hos tantos tamque profusos sumptus aut facient aut approbabunt, nolo in eos gravius quicquam ne ominis quidem causa dicere, unum hoc dico: nostri isti nobiles, nisi vigilantes et boni et fortes et misericordes erunt, eis hominibus, in quibus haec erunt, ornamenta
140 sua concedant necesse est. Quapropter desinant aliquando dicere male aliquem locutum esse, si qui vere ac libere locutus sit, desinant suam causam cum Chrysogono communicare, desinant, si ille laesus sit, de se aliquid detractum arbitrari, videant ne turpe miserumque sit eos, qui equestrem splendorem pati non potuerunt, servi nequissimi dominationem ferre posse; quae quidem dominatio, iudices, in aliis rebus antea versabatur, nunc vero quam viam munitet, quod iter adfectet videtis: ad fidem, ad ius iurandum, ad iudicia vestra, ad id, quod solum prope in
141 civitate sincerum sanctumque restat. Hicine etiam sese putat aliquid posse Chrysogonus? Hic etiam potens esse volt? O rem miseram atque acerbam! Neque mehercules hoc indigne fero, quod verear ne quid possit, verum quod ausus est, quod speravit sese apud talis viros aliquid posse ad perniciem innocentis, id ipsum queror. **49.** Idcircone exspectata nobilitas armis atque ferro rem publicam reci-

peravit, ut ad libidinem suam liberti servolique nobilium bona, fortunas *possessiones*que nostras vexare possent? Si 142
id actum est, fateor me errasse qui hoc maluerim, fateor insanisse qui cum illis senserim ; tametsi inermis, iudices, sensi: sin autem victoria nobilium ornamento atque emolumento rei publicae populoque Romano debet esse, tum vero optimo et nobilissimo cuique meam orationem gratissimam esse oportet. Quod si quis est qui et se et causam laedi putet, cum Chrysogonus vituperetur, is causam ignorat, se ipsum probe novit: causa enim splendidior fiet, si nequissimo cuique resistetur; ille improbissimus Chrysogoni fautor, qui sibi cum illo rationem communicatam putat, laeditur, cum ab hoc splendore causae separatur.

But to return to my client—When you have robbed him of his last farthing, what cruelty to persecute him still! Are you offended at his appearing with clothes on his back? That is due to the charity of Caecilia. For out of his father's many friends a few have had the courage to defend him, conspicuous among whom is M. Messala, who does not speak for him, only because of his youth and modesty. It would be well for the nobles if they were all like him.

Conclusio. §§ 143–154.

Verum haec omnis oratio, ut iam ante dixi, mea est, 143
qua me uti res publica et dolor meus et istorum iniuria coëgit: Sex. Roscius horum nihil indignum putat, neminem accusat, nihil de suo patrimonio queritur: putat homo imperitus morum, agricola et rusticus, ista omnia, quae vos per Sullam gesta esse dicitis, more, lege, iure gentium facta: culpa liberatus et crimine nefario solutus cupit a vobis discedere; si hac indigna suspitione careat, 144
animo aequo se carere suis omnibus commodis dicit; rogat oratque te, Chrysogone, si nihil de patris fortunis

amplissimis in suam rem convertit, si nulla in re te fraudavit, si tibi optima fide sua omnia concessit, adnumeravit, appendit, si vestitum, quo ipse tectus erat, anulumque de digito suum tibi tradidit, si ex omnibus rebus se ipsum nudum neque praeterea quicquam excepit, ut sibi per te liceat innocenti amicorum opibus vitam in egestate degere.

145 **50.** Praedia mea tu possides, ego aliena misericordia vivo: concedo, et quod animus aequus est et quia necesse est. Mea domus tibi patet, mihi clausa est: fero. Familia mea maxima tu uteris, ego servum habeo nullum; patior et ferendum puto. Quid vis amplius? quid insequeris? quid oppugnas? qua in re tuam voluntatem laedi a me putas? ubi tuis commodis officio? quid tibi obsto? Si spoliorum causa vis hominem occidere, quid quaeris amplius? Si inimicitiarum, quae sunt tibi inimicitiae cum eo, cuius ante praedia possedisti quam ipsum cognovisti? Si metus, ab eone aliquid metuis, quem vides ipsum ab se tam atrocem iniuriam propulsare non posse? Sin, quod bona, quae Roscii fuerunt, tua facta sunt, idcirco hunc illius filium studes perdere, nonne ostendis id te vereri, quod praeter ceteros tu metuere non debeas, ne quando

146 liberis proscriptorum bona patria reddantur? Facis iniuriam, Chrysogone, si maiorem spem emptionis tuae in huius exitio ponis quam in eis rebus, quas L. Sulla gessit. Quod si tibi causa nulla est cur hunc miserum tanta calamitate adfici velis, si tibi omnia sua praeter animam tradidit nec sibi quicquam paternum ne monumenti quidem causa clam reservavit, per deos immortalis, quae ista tanta crudelitas est? Quae tam fera immanisque natura? Quis umquam praedo fuit tam nefarius, quis pirata tam barbarus, ut, cum integram praedam sine sanguine habere

147 posset, cruenta spolia detrahere mallet? Scis hunc nihil

habere, nihil audere, nihil posse, nihil umquam contra rem tuam cogitasse, et tamen oppugnas eum, quem neque metuere potes neque odisse debes nec quicquam iam habere reliqui vides quod ei detrahere possis: nisi hoc indignum putas, quod vestitum sedere in iudicio vides, quem tu e patrimonio tamquam e naufragio nudum expulisti; quasi vero nescias hunc et ali et vestiri a Caecilia, [Baliarici filia, Nepotis sorore,] spectatissima femina, quae cum clarissimum patrem, amplissimos patruos, ornatissimum fratrem haberet, tamen, cum esset mulier, virtute perfecit, ut quanto honore ipsa ex illorum dignitate adficeretur, non minora illis ornamenta ex sua laude rederet. **51.** An quod diligenter defenditur, id tibi indignum 148
facinus videtur? Mihi crede, si pro patris huius hospitiis et gratia vellent omnes huius hospites adesse et auderent libere defendere, satis copiose defenderetur; sin autem pro magnitudine iniuriae proque eo, quod summa res publica in huius periculo temptatur, haec omnes vindicarent, consistere mehercule vobis isto in loco non liceret: nunc ita defenditur, non sane ut moleste ferre adversarii debeant, neque ut se potentia superari putent. Quae 149
domi gerenda sunt, ea per Caeciliam transiguntur; fori iudiciique rationem M. Messala, ut videtis, iudices, suscepit; qui si iam satis aetatis atque roboris haberet, ipse pro Sex. Roscio diceret: quoniam ad dicendum impedimento est aetas et pudor qui ornat aetatem, causam mihi tradidit, quem sua causa cupere ac debere intellegebat, ipse adsiduitate, consilio, auctoritate, diligentia perfecit, ut Sex. Roscii vita erepta de manibus sectorum sententiis iudicum permitteretur. Nimirum, iudices, pro hac nobilitate pars maxima civitatis in armis fuit; haec acta res est, ut ei nobiles restituerentur in civitatem, qui hoc facerent, quod

facere Messalam videtis, qui caput innocentis defenderent, qui iniuriae resisterent, qui quantum possent in salute alterius quam in exitio mallent ostendere ; quod si omnes, qui eodem loco nati sunt, facerent, et res publica ex illis et ipsi ex invidia minus laborarent.

If Chrysogonus is implacable, there is no hope for us, judges, but in you. God forbid that you should sit there to carry out a more cruel proscription against the children of the proscribed—a proscription which, if once begun, will reach to the very babes in their cradles! Be it yours rather to free the state, which was once famous for mercy to its enemies, from the stain of cruelty at home.

150 **52.** Verum si a Chrysogono, iudices, non impetramus, ut pecunia nostra contentus sit, vitam ne petat, si ille adduci non potest, ut, cum ademerit nobis omnia, quae nostra erant propria, ne lucem quoque hanc, quae communis est, eripere cupiat, si non satis habet avaritiam suam pecunia explere, nisi etiam crudelitati sanguis praebitus sit, unum perfugium, iudices, una spes reliqua est Sex. Roscio, eadem quae rei publicae, vestra pristina bonitas et misericordia, quae si manet, salvi etiam nunc esse possumus ; sin ea crudelitas, quae hoc tempore in re publica versata est, vestros quoque animos—id quod fieri profecto non potest—duriores acerbioresque reddidit, actum est, iudices: inter feras satius est aetatem degere
151 quam in hac tanta immanitate versari. Ad eamne rem vos reservati estis? Ad eamne rem delecti, ut eos condemnaretis, quos sectores ac sicarii iugulare non potuissent? Solent hoc boni imperatores facere, cum proelium committunt, ut in eo loco, quo fugam hostium fore arbitrentur, milites conlocent, in quos, si qui ex acie fugerint,

de improviso incidant: ni mirum similiter arbitrantur isti bonorum emptores vos hic, talis viros, sedere, qui excipiatis eos, qui de suis manibus effugerint. Di prohibeant, iudices, ut hoc, quod maiores consilium publicum vocari voluerunt, praesidium sectorum existimetur. An vero, 152
iudices, vos non intellegitis nihil aliud agi, nisi ut proscriptorum liberi quavis ratione tollantur, et eius rei initium in vestro iure iurando atque in Sex. Roscii periculo quaeri? Dubiumne est ad quem maleficium pertineat, cum videatis ex altera parte sectorem, inimicum, sicarium eundemque accusatorem hoc tempore, ex altera parte egentem, probatum suis filium, in quo non modo culpa nulla, sed ne suspitio quidem potuit consistere? Numquid huic aliud videtis obstare [Roscio], nisi quod patris bona venierunt? **53.** Quodsi id vos suscipitis et eam ad rem 153
operam vestram profitemini, si idcirco sedetis, ut ad vos adducantur eorum liberi, quorum bona venierunt, cavete, per deos immortalis, iudices, ne nova et multo crudelior per vos proscriptio instaurata esse videatur. Illam priorem, quae facta est in eos, qui arma capere potuerunt, tamen senatus suscipere noluit, ne quid acrius, quam more maiorum comparatum esset, publico consilio factum videretur, hanc vero, quae ad eorum liberos atque ad infantium puerorum incunabula pertinet, nisi hoc iudicio a vobis reicitis et aspernamini, videte, per deos immortalis, quem in locum rem publicam perventuram putetis. Homines sapientes et ista auctoritate et potestate prae- 154
ditos, qua vos estis, ex quibus rebus maxime res publica laborat, eis maxime mederi convenit. Vestrum nemo est quin intellegat populum Romanum, qui quondam in hostis lenissimus existimabatur, hoc tempore domestica crudelitate laborare. Hanc tollite ex civitate, iudices, hanc

pati nolite diutius in hac re publica versari: quae non modo id habet in se mali, quod tot civis atrocissime sustulit, verum etiam hominibus lenissimis ademit misericordiam consuetudine incommodorum. Nam cum omnibus horis aliquid atrociter fieri videmus aut audimus, etiam qui natura mitissimi sumus, adsiduitate molestiarum sensum omnem humanitatis ex animis amittimus.

Clarendon Press Series

CICERO

PRO ROSCIO

WITH INTRODUCTION AND NOTES

BY

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PEMBROKE COLLEGE, OXFORD

PART II. — NOTES

Oxford

AT THE CLARENDON PRESS

1890

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London
HENRY FROWDE

Oxford University Press Warehouse
Amen Corner, E.C.

NOTES.

§ 1. *a.* **quid sit quod.** Cp. the opening of the Pro Sestio—'Si quis antea, iudices, mirabatur quid esset, quod,' etc. 'Quid sit quod' is a more formal way of saying 'cur.' It occurs again in § 99—'Quid erat quod Capitonem,' etc. 'Quamobrem' is sometimes used instead of 'quod,' e. g. Verr. Act. i, § 38—'Cognoscet ex me populus Romanus quid sit quamobrem, quum equester ordo iudicaret,' etc., immediately after which the constr. 'quid sit quod' is continued through several clauses.

b. **auctoritate.** A peculiarly Roman word, to which we have no real equivalent. 'Influence' may do here. 'Auctoritas' was the crown of age ('apex est autem senectutis auctoritas' De Sen. § 60), and Cicero was still a youth who had not, in the technical sense, entered upon public life. Cp. § 3 'nondum ad rempublicam accessi.'

c. **sim.** Notice that all the verbs after 'mirari' are in the subjunctive, as being dependent clauses in the oblique narration.

d. **novo,** 'unprecedented.'

e. **conflatam.** Cp. 'conflavit' in § 5.

f. **defendi,** 'repelled.' The word is here used in its primary sense. Notice the chiasmus from **putant** to **audent.**

g. **idcirco quia.** Variety is given to the sentence by the substitution of 'idcirco quia' for the equivalent 'propterea quod': there is no difference of meaning. Cp. 'quo modo . . . qua ratione' in § 42.

§ 2. *a.* **officiosior.** 'Am I so much more sensitive to the claims of others than the rest?' 'Officium' is a wider term than 'duty,' and includes friendship and benevolence. Cp. §§ 1, 4, 27.

b. **ne istius quidem,** etc. 'May my desire even for that merit not take the form of wishing to have it snatched from others!' 'Istius,' which is proper to the 2nd person, is used in answer to a supposed interlocutor. 'Laus' in Latin hovers between the two meanings of 'praise' itself and the thing which deserves praise. In

a passage of the Brutus (§ 50) we have both in one sentence, 'brevitas autem laus est interdum in aliqua parte dicendi, in universa eloquentia laudem non habet.' With 'praereptam velim' cp. § 25, 'conservatas velit.'

c. **amplitudo.** We may render this 'dignity' for want of a nearer equivalent. But 'amplitudo' and 'dignitas' differ as 'amplus' and 'dignus.' The first refers to the space which a man occupies in the eyes of his fellows, the second to the value which they are justified in setting upon him. Our adjective 'imposing' gives a notion of the force of 'amplitudo.' In the De Inventione (II, § 166) Cicero defines 'amplitudo' as 'potentiae aut maiestatis aut aliquarum copiarum magna abundantia;' whereas 'dignitas' is declared to be 'alicuius honesta et cultu et honore et verecundia digna auctoritas.'

§ 3. *a.* **etiamsi,** 'even granting that.' The indicative marks a pure hypothesis. He does not mean to indicate any presumption either for or against his own *παρρησία*.

b. **exire,** 'get abroad.'

c. **ad rem publicam accessi,** 'entered on public life.' Cicero was now only in his twenty-seventh year. He filled the office of quaestor in his thirty-second year, B. C. 75.

d. **ignosci adulescentiae.** The subj. of 'ignosci' is the same as that of 'occultum esse,' namely, 'si quid liberius dixero,' so that we have here the passive of the constr. 'ignosco hoc tibi.'

e. **tametsi . . . sublata est,** 'although not merely the idea of pardon, but even the custom of inquiry has already been abolished out of the state' (owing to the proscriptions). This play on words between 'ignoscere' and 'cognoscere' occurs in Cicero's juvenile work, the De Inventione (II, § 105)—'et magis in hoc quidem ignoscendi quam cognoscendi postulatio valuit.' It is common also in other authors. See, for instance, Ter. Haut. 218—

'Nam et cognoscendi et ignoscendi dabitur peccati locus,'

with which cp. the prologue to the Eunuchus, 42.

The periphrasis **ignoscendi ratio** supplies the place of a verbal noun for 'pardoning.' For the Romans had no 'ignitio' from 'ignoscere,' though they had 'cognitio' from 'cognoscere.'

On the discontinuance of trials see Introd. § 24.

§ 4. *a.* **illa,** 'the following.' The pronoun 'ille,' like *ἐκεῖνος* in Greek, frequently looks on to what is coming. § 52 *d*.

b. **forsitan.** Said to be always with the subj. in Cicero.

c. **ut . . . ut.** The first 'ut' depends upon 'petitum sit,' the second looks back to 'ita.' 'We may add the following reason also, that the rest perhaps may have been asked to plead in a way that

left it open to them ('ita . . . ut') to think that they could either consent or decline without a breach of obligation, whereas I have been pressed by men,' etc.

d. **salvo officio.** Cf. § 95 'salva fide.'

e. **ignorare.** Here 'to display ignorance of,' 'show myself insensible to:' not as below in § 5.

f. **nec auctoritatem,** etc. The end of the sentence does not exactly tally with the beginning, as 'auctoritatem' corresponds better to 'dignitate,' and 'voluntatem' to 'beneficiis.'

a. **causis . ... causae.** This use of the same word in close juxta- § 5.
position in different senses is mentioned by Cicero (Orator, § 135) as one of the ornaments of style ('orationis lumina et quodammodo insignia'). Terence (Haut. Prol. 41) plays on the same word—

'mea causa causam hanc iustam esse animum inducite,'

'on my account believe this account,' etc. Cornificius, in the treatise 'ad Herennium' (IV, §§ 20, 21), calls this figure 'traductio,' and gives instances which are very pronounced puns, e.g. 'nam amari iucundum est, si curetur, ne quid insit amari.' Quintilian (IX. 3, § 69) mentions it with disapprobation, as 'etiam in iocis frigidum.' Cicero, unless he is meaning to be jocose, does not allow the transition of sense to be violent. Cp. Pro Quinctio, § 45 ad fin.—'ergo id ut confitear postulas, ut, quod nunquam factum esse iudicio contendimus, id proinde quasi factum sit nostro iudicio confirmemus.'

b. **patronus.** This word is specially used of one who defends another at law, as opposed to 'accusator.'

c. **exstiti.** The perfect (as distinct from the aorist) may be followed either by the primary or by the historic tenses of the subjunctive. Contrary to the practice of most writers, the latter is the prevailing construction in Cicero. See P. S. L. G., § 229, I. 1.

d. **uti ne.** Cp. § 54 'ut ne plane videaris.' 'Ut ne' is more decided and emphatic than 'ne' alone would be.

e. **esset.** Not here a mere auxiliary, else the tense would be plupf. **defensus** and **desertus** are used adjectivally, doubtless for the rhetorical effect of the antithesis.

f. **qui iste,** etc. 'Qui' is adjectival—'of what nature?' 'Iste' refers to the words which Cicero has just used—'qui minimo periculo possem dicere.'

g. **pro capite et fortunis.** For 'caput' see § 110*b*, and for the use of the pl. in 'fortunis' see § 7*b*. The combination of the two words has become so much of a regular phrase, that it is used here, where there is no question of the retention of Roscius' property.

h. **quem ad modum consueverunt.** This is said in Cicero's own person; otherwise it would be 'consueverint.'

§ 6. *a.* **huiusce,** 'of my client.' Cp. § 55 'huiusce pecunia' and 'hisce' in §§ 51, 59.

b. **sunt sexagies.** Supply 'centenorum millium sestertiorum.' Sixty times a hundred thousand = six millions. A practical rule for expressing sesterces in English is to cut off a naught from decies, or any multiple of decies, and add millions. Taking the sesterce at $2\frac{1}{8}d.$, six million sesterces is equivalent to £53,650. Plutarch (Cic. 3) puts the value of the property down at 250 talents, which amounts to £52,500, if the talent be taken at £210.

c. **quem honoris causa nomino.** A constantly recurring formula of respect. Cp. §§ 15, 27; Pro Q. Rosc. Com. § 18—'nonne, quotienscunque in causa in nomen huius incidisti, totiens hunc et virum bonum esse dixisti et honoris causa appellasti?' The opposite idea is conveyed by the phrase 'contumeliae causa nominare.' Phil. II, § 113—'ista tua minime avara coniux, quam ego sine contumelia describo.' The natural politeness of the Romans rendered them shy of making free with people's names. For an indication of this feeling, see § 47.

d. **nummum** = 'nummorum,' i. e. 'sestertiorum.' 2000 sesterces = £17 14*s.* 2*d.* Plutarch (Cic. 3) inaccurately substitutes drachmae for sesterces. 2000 drachmae would be about five times as much as 2000 sesterces; but either sum would be merely nominal for a property of the value just stated.

e. **vel potentissimus,** 'perhaps the most powerful.' Cp. § 8 'vel indignissimum,' § 21 'vel nobilissima,' § 69 'vel maxime,' § 124 'vel maximam partem.'

f. **L. Cornelius Chrysogonus.** A freedman and favourite of Sulla, whose gentile name he took on manumission. Appian (De Bell. Civ. I. 100) informs us that Sulla manumitted more than 10,000 slaves of proscribed persons, and enrolled them among the plebs, selecting the youngest and strongest, that he might have a serviceable body of men ready to do his bidding. All these took the name Cornelius. Pliny the elder (N. H. xxxv, 200, ed. Detlefsen) mentions Chrysogonus in a list of quondam slaves who had been glutted with the blood of citizens.

g. **pecuniam,** 'property.' Cp. §§ 23, 86, 110; Verr. ii. II, § 61. The Scholiast says 'id est, in alienum patrimonium. Pecuniam dicit universitatem rei familiaris.' The word in this sense may be used in the pl., as in Pro Mil. § 76. The derivation of it (from 'pecus') carries us back to an age when wealth consisted in cattle.

h. **invaserit.** The subjunctive here is due to the oblique narration. By the use of it Cicero fastens an imputation of effrontery upon Chrysogonus. 'Quoniam' in itself takes the indicative. 'Invadere' was technically used of the seizure of landed property as opposed to moveables or cattle. Justinian, Inst. IV. Tit. II, § 1 —'in invasionibus quae circa res soli fiunt.'

i. **suspītionem.** The long *i* is probably due to contraction from 'suspicitio.' Cp. 'stīpendium' = 'stĭpipendium.'

j. **sese.** Subj. to **posse.** For the sake of emphasis it is introduced before **arbitratur,** on which it depends.

k. **hoc . . . huius.** The repetition of 'huius' after 'hoc' is like the perpetual 'my client' and 'my client's' in the mouth of a modern barrister. It is not usual to have an abl. abs. referring to a noun otherwise mentioned in the sentence. Yet Caesar (Bell. Gall. II. 22) has—'cum diversis legionibus aliae alia in parte hostibus resisterent,' where the nom. 'diversae legiones' might have been used. Here we should doubtless have had 'huius incolumis,' were it not for the balance of the other abl. abs. 'damnato et eiecto' in the succeeding clause.

l. **obtinere.** Cp. § 139. 'Obtinere' in Latin means 'to keep' as well as 'to get.' Our word 'obtain,' so far as it is transitive, has perpetuated only the latter meaning. In the case of 'occupare' and 'occupy' the converse change has come about. The Latin word means 'to take possession of,' the English rather 'to be in possession of.'

m. **eiecto,** 'expelled,' i. e. from the state, on the assumption that he would not await his sentence. See Cat. III, § 3—'Nam tum cum ex urbe Catilinam eiciebam — non enim iam vereor huius verbi invidiam;' and cp. Verr. ii. I, § 98 ad fin.—'condemnato et eiecto.'

n. **se posse.** Here we have the pres. infin. after 'sperat,' in apparent violation of the rule that verbs of hoping take the fut. infin. Cp. Pro Mil. § 32—'speraret posse se eludere,' and Verg. Aen. IV. 305—

> 'Dissimulare etiam sperasti, perfide, tantum
> posse nefas?'

If the use were confined to 'posse,' we might explain it by the fact that that verb happens to have no fut. inf. But see § 18—'spero ex hoc ipso non esse obscurum;' and cp. Ad H. II, § 28—'sperabat illius morte se salutem sibi comparare.' In all these cases we may translate 'sperare' by 'expect,' and regard it as a verb of thinking.

o. **adeptus est.** The indic., because put as a statement of fact, not as part of what Chrysogonus thought.

p. **scrupulum.** The metaphor is from taking a pebble out of one's shoe. 'A thorn in one's side' is the nearest English equivalent. Cp. Ter. Andr. 940—

'At mi unus scrupulus etiam restat, qui me male habet.'

q. **se.** Referring to the subject of the main verb 'postulat,' under the influence of the 'sibi' preceding. We might have expected either 'eum' with the indic., or 'se' with the subj., according as the statement is made by the writer or thrown into the mind of the person of whom he is speaking.

r. **dies noctisque.** See 81 *a*.

s. **ut . . . ut.** The first 'ut' denotes the thing requested, the second the object of the request, 'to the end that.' It would be possible to take the second 'ut' in the same sense as the first, as depending immediately upon 'postulat'—'he asks you to profess.' In that case we would have a rhetorical asyndeton.

§ 7. *a.* **peto ut . . . ne.** Notice how 'peto' is followed both by an affirmative and negative clause. The same combination of 'ut' and 'ne' recurs in almost the same context in § 150 ad in.

b. **fortunisque.** The pl. is common in the sense of our word 'fortune'=wealth. Cp. §§ 5, 13, 57 ad fin., 113 ad in., 144.

c. **nostris.** The sympathy of the advocate leads him to couple and sometimes to identify himself with his client, so that we have the first person pl., as here and in § 150, or the first sing., as in §§ 32, 94, 145.

d. **sanguinem et vitam,** 'our life-blood.' There is no particular force in the position of the words, as though 'vitam' were stronger than 'sanguinem.' In Pro Q. § 76 they occur in reverse order—'fateatur se non pecuniam, sed vitam et sanguinem petere,' while in § 39 of the same speech it is 'sanguinem vitamque.'

e. **et . . . propulsetis.** It is unusual to have the third clause coupled by 'et,' where no 'et' has preceded. Here the first two clauses represent two different sides of the same fact.

f. **quod in omnis intenditur.** In the exordium of a speech one of the main objects of the orator is to rivet the attention of his hearers. There is no more effectual way of accomplishing this end than by showing that their own interests are involved in the case. See the precepts given in De Inventione I, § 23—'attentos autem faciemus, si demonstrabimus ea, quae dicturi erimus, magna, nova, incredibilia esse et aut ad omnis aut ad eos, qui audient, aut ad

aliquos illustris homines aut ad deos immortalis aut ad summam reipublicae pertinere.'

§ 8.

a. **causa criminis,** 'reason for the charge.'

b. **quam ob rem videantur . . . secuti,** 'to make them seem to have had after all some object in view in preferring the charge.' For this use of **tamen** cp. § 104 'paulo tamen occultior;' Verr. Div. § 48 'ut tu tamen aliquid esse videare;' Verg. Aen. IV. 329 'qui te tamen ore referret.' For 'res . . . quam ob rem,' see § 28 *e*.

c. **illi . . . illorum.** 'Ille' is used of the opponent, when the orator is speaking of him rather than at him. Here the words are addressed direct to the judges, as shown by the use of the 2nd pers. pl. 'inveneritis.'

d. **in deferendo nomine.** The form of process in a criminal trial was as follows. The first step was the 'postulatio' or application for leave to prefer the accusation; at some interval after this (Caelius in Cicero, Ep. Fam. VIII. 6, § 1) followed the 'nominis delatio' and after that the 'nominis receptio;' then came the 'quaestio,' or trial itself, generally about ten days after the 'receptio.' Cp. § 28 *b*.

e. **secuti.** For the use of 'sequi' in the sense of 'to keep in view,' cp. § 34 *g*.

f. **quicquam.** The sentence is virtually negative, implying that no such cause can be discovered. Hence the use of 'quicquam.' Cp. Vergil's—

'Et quisquam Iunonis numen adorat
praeterea?' Aen. I. 48.

g. **recusamus quin,** 'demur to.'

h. **sin aliud,** etc., 'but if the only point at issue is the satisfaction of men who can never be satisfied.' On **ut ne** see § 5 *d*.

i. **hoc . . . pugnatur.** Cp. § 120—'quod a vobis hoc pugnari video.' This is the passive voice of the active constr. 'pugnare aliquid.' Phil. X, § 22 'qui id pugnant, id agunt.'

j. **opimam praeclaramque praedam.** Cicero's wealth of diction appears in the phrases which he applies to this property. First it was called 'pecuniam tam amplam atque praeclaram,' then 'patrimonium tam amplum et copiosum,' and now we have 'opimam praeclaramque praedam.'

k. **velut cumulus,** 'as though to crown them all.' Cp. French 'comble.' 'Cumulus' is what is added in corn after the measure is already full. The word 'auctarium' has the same meaning, only more general (Festus, Müller, p. 14). For a similar use of

'cumulus' cp. Ad Att. IV. 19 ad fin.—'ad summam laetitiam meam, quam ex tuo reditu capio, magnus illius adventu cumulus accedet.'

l. **vel hoc indignissimum.** Disarrangement of order for emphasis. The 'vel' really belongs to 'indignissimum.' Cp. § 6 *e*.

m. **iusque iurandum.** For references to the oath taken by the judges see §§ 101, 140, 152 and Verr. i, § 40—'iuratorum hominum sententiae,' on which Asconius' comment is—'iudicum scilicet, qui in leges antequam iudicarent iurare consueverant.' See also De Inv. I, § 70, II, § 131; but there Cicero is no doubt following his Greek original.

n. **ex civitate in senatum.** Sulla had recently filled up the senate by the addition of 300 persons of equestrian rank elected by the assembly of the tribes (Appian De Bell. Civ. I. 100); the rest of the members entered the senate after having held high office in the state; so that in either case there was a proof of merit ('propter dignitatem').

o. **ex senatu in hoc consilium.** Only senators could act as judges according to the law which had just been enacted by Sulla. The office had been transferred from them to the knights by C. Gracchus in B.C. 122. Ten years after the date of this speech (B.C. 70) it was divided by Cotta between the two orders with the addition of the 'tribuni aerarii.' Thus we may distinguish four periods with regard to the constitution of the judicial body—

(1) down to B.C. 122—Senators only.
(2) 122–81, under the Lex Sempronia—Equites only.
(3) 81–70, under the Lex Cornelia—Senators.
(4) after 70 under the Lex Aurelia—Senators, Equites, Tribuni Aerarii.

p. **ab his,** 'from such as you.' Strict grammar would require the 2nd pers. here.

q. **postulare.** A repetition under another form of the infinitive 'vos idoneos habitos,' and, like it, depending on 'indignissimum est.'

r. **homines sicarios.** Cp. § 120 'homines paene operarios.' This superfluous employment of 'homo' is frequent in comedy, e.g. Ter. Phorm. 292—

'Servom hominem causam orare leges non sinunt.'

So 'hŏmines adulescentulos' Andr. 910, etc.

s. **sicarios.** This word properly means one who stabs with a dagger, but it came to be used for any assassin. Quint. X. 1, § 12—'Nam per abusionem sicarios etiam omnes vocamus, qui caedem telo quocunque commiserint.'

t. **gladiatores.** Gladiator (swordsman) in the mouth of a Roman had the same contemptuous ring about it as our word 'prize-fighter,' but with far darker suggestions.

u. **ex hoc iudicio . . . discedant,** 'leave the court.' Cp. § 143.

§ 9. *a.* **His de rebus,** etc. The sentence is elaborately constructed so as to make one part answer to another. 'Of such atrocious villainy I cannot speak in fitting terms—of that I am well aware; the impressiveness that its pathos calls for is beyond me, and the frankness that is needed to denounce it: for the fitting terms fail me for want of wit, impressiveness for want of years, and frankness owing to the circumstances of the times.'

b. **commoditati.** Cp. Ad H. I, § 1—'non enim in se parum fructus habet copia dicendi et commoditas orationis.'

c. **timor,** 'nervousness.' Cicero assures us that even when a practised orator he still suffered from nervousness in speaking, especially at starting. See Verr. Div. § 41; Pro Clu. § 51; Pro Reg. Dei. § 1. He records of himself in the De Oratore (I, § 121) that on one occasion, when a young man, he was so overcome on rising to open a case that Q. Maximus out of kindness brought the sitting to a close.

d. **natura pudorque,** 'natural modesty.' A hendiadys for 'innatus pudor.' Cp. 'sententias iusque iurandum' above in § 8 = 'sworn verdicts,' and see § 30*b*.

§ 10. *a.* **Fide,** 'conscientiousness.' The two qualities required in a judge are the will to give a just verdict and the enlightenment to perceive where justice lies. The first of these requisites is expressed by 'fides,' the second by 'sapientia.'

b. **adlevabitis, feram.** The two events are regarded as taking place contemporaneously in the future. The way in which the judges were to help Cicero was by giving him an indulgent hearing. Cp. § 107 'cernetis, poteritisne.'

c. **industria,** 'energy.'

d. **et.** Here in English we should rather have 'but.' So with 'ac' in Caesar (Bell. Gall. IV. 35), 'nostrorum militum impetum hostes ferre non potuerant ac terga verterunt.'

e. **perferam,** 'will bear to the end.'

f. **cum fide,** 'as a matter of honour.'

§ 11. *a.* **magno opere.** The student should notice that this phrase serves as the positive to 'magis' and 'maxime.' 'Summopere' occurs in De Inv. I, § 26.

b. **M. Fanni.** Nothing is known of M. Fannius beyond what can be gathered from this speech. He was now praetor, but he

had presided before as judex in the 'quaestio inter sicarios' before the long interval during which trials had been suspended.

c. **quaestioni,** 'court.'

d. **iudex,** i.e. as 'iudex quaestionis.' Cp. Verr. ii. I, § 158; Pro Clu. § 89. A 'iudex quaestionis' was a special commissioner appointed when the praetors were insufficient for the various 'quaestiones.' The designation occurs in the Digest XLVIII. 8, § 1—'quive magistratus iudexve quaestionis ob capitalem causam pecuniam acceperit.'

e. **talem.** Observe how much force is added by keeping the 'antecedent' clause to the close.

f. **acria ac severa . . . fiant,** 'should be conducted with strictness and impartiality.' Cp. § 8 'severitatem.'

g. **longo intervallo.** See Introd. § 24.

h. **inter sicarios,** 'this is the first trial that is being held for murder.' Cp. § 90 'qui inter sicarios et de veneficiis accusabant.'

i. **hoc primum.** See Introd. § 21.

j. **committitur.** On the analogy of the phrase 'pugnam committere.'

k. **dimissius.** The text is corrupt; 'dimissui' gives a conceivable sense, 'serve to release us from': but no such word as 'dimissus' of the 4th decl. ever actually occurs. The reading 'dignissimam' is conjectural.

§ 12. *a.* **vociferatione,** 'that energy of denunciation.' Cp. § 9 'vociferari.'

b. **qui causam dicimus,** 'who are the defendants.' Cp. the repeated antithesis in § 13 between 'accusant' and 'causam dicit.' Since Cicero's case was that the murder was committed by the opposite side, while nominally defending his client, he was virtually attacking the accusers.

c. **quam acerrime,** 'with all possible strictness.' In full—'ut tam acriter quam quum acerrime vindicantur, maleficia vindicetis.'

d. **prorumpere,** 'the passions of men are bursting forth.'

e. **ut non modo clam,** etc. A splendid instance of 'climax,' in the loose sense of the term (see § 75 *c*). Cp. Livy XXIII. 10, § 7—'Foro medio, luce clara, videntibus vobis,' perhaps imitated by Macaulay (Death of Virginia)—

> 'Here in this very forum, under the noontide sun,
> In sight of all the people, the bloody deed was done.'

§ 13. *a.* **invaserunt.** See § 6 *h*.

b. **quibus . . . bono fuit.** See § 84 *g*.

c. **poscit,** 'demands for trial.'

d. **relictus . . . restat.** Notice the pleonasm. Cp. § 153 *a*.

e. **illorum.** Subjective genitive—'who is the sole survivor of the atrocious massacre which those men have committed.' On the pronoun see § 8 *c*.

a. **ea, quae facta sunt,** etc., 'that the facts themselves are more shocking than my account of them.' § 14.

b. **ab initio res,** etc. The transition to the 'narratio' is effected in very similar words in the speech which we have extant from the preceding year, Pro Q. § 11—'id quo facilius facere possitis, dabo operam ut a principio res quem ad modum gesta et contracta sit cognoscatis.' Cp. also the corresponding passage in the Pro Milone, § 23—'quod quo facilius argumentis perspicere possitis, rem gestam vobis dum breviter expono, quaeso, diligenter attendite.'

c. **et rei publicae calamitatem.** The aspect of the case which makes it of special interest to the judges themselves is reserved for the sake of emphasis to the end of the sentence, in the same way as the treatment of the subject is postponed to the end of the speech.

a. **Sex. Roscius.** The narratio in the Pro Cluentio, § 11, begins in a manner strikingly similar to this—'A. Cluentius Habitus fuit, pater huiusce, iudices, homo non solum municipii Larinatis, ex quo erat, sed etiam regionis illius et vicinitatis virtute, existimatione, nobilitate facile princeps.' § 15.

b. **Amerinus.** Ameria was a small town in the south of Umbria, between the Tiber and the Nar. It was fifty-six Roman miles from the capital, § 19. Its inhabitants had been admitted to Roman citizenship some ten years before this period.

c. **cum genere.** The 'cum' looks on to the 'tum' following—'both . . . and.'

d. **nobilitate.** This need not be taken in the technical Roman sense of descent from an ancestor who had held curule office.

e. **Metellis.** Cp. § 77. From the days of Naevius downwards the 'Metelli' had been one of the leading families at Rome. They were of plebeian origin, and belonged to the 'gens Caecilia.' A member of the family, Q. Metellus Pius, was consul along with Sulla in this year (B.C. 80). So distinguished were they, that in the time of this man's father, Q. Metellus Numidicus (consul B.C. 109), the highest honours of the state were achieved twelve times within twelve years by different members of the family, either in the way of consulship, censorship or triumph (Vell. Pat. II. 11, § 3).

f. **Serviliis.** From their first adoption into the state by Tullus Hostilius after the fall of Alba (Liv. I. 30) down to imperial times the 'Servilia gens' supplied Rome at intervals with men of emi-

nence. The outbreak of the Social War in B. C. 90 had been signalised by the murder of a 'Quintus Servilius' at Asculum (Liv. Epit. 72; Vell. Pat. II. 15, § 2; Appian, De Bell. Civ. I. 38).

g. **Scipionibus.** The name of Scipio, a patrician family of the 'Cornelia gens,' is interwoven with the history of Rome. The most recent member of it who attained distinction was L. Cornelius Scipio Asiaticus, who was consul in B. C. 83, along with Norbanus. He was on the Marian side, and was deserted and betrayed by his army after the landing of Sulla in Italy. He was spared by Sulla (Vell. Pat. II. 25, § 2; Liv. Epit. 85; Appian, De Bell. Civ. 85; Plut. Sull. 28).

h. **hospitium.** Persons who were connected by the tie of 'hospitium' would be received, when necessary, as inmates of one another's households. This was a matter of no small importance in the ancient world, which was not so well supplied with hotels as the modern. 'Hospitium' was regarded by the Romans as one of the most solemn of the duties of life. There is an interesting discussion in Aulus Gellius XIV. 13, as to whether that or 'clientela' came next after one's obligations to parents and to wards. He cites Massurius Sabinus, a writer on civil law, as giving the preference to 'hospitium' over 'clientela' ('primum tutelae, deinde hospiti, deinde clienti, tum cognato, postea affini'). Cornificius (Ad H. III, § 4) puts the duties of life in exactly the same order—'hospitia, clientelas, cognationes, adfinitates.' The Greek for 'hospes' is *ξένος*. Eur. Alc. 559—

> *αὐτὸς δ' ἀρίστου τοῦδε τυγχάνω ξένου,*
> *ὅταν ποτ' Ἄργους διψίαν ἔλθω χθόνα.*

i. **familias.** Used here just in the sense in which we use 'families' or 'houses' in talking of the nobility.

j. **honestatis,** etc. Cp. § 6—'quem honoris causa nomino.' But the phrase here is slightly different, since 'honestatis amplitudinisque gratia' states the ground rather than the motive of the mention.

k. **hoc solum.** Explained by the clause below—'fama et vita,' etc.

l. **domestici praedones,** 'household brigands,' in the sense of brigands connected with his own household. Cp. § 17. The adjective 'domestici' stands for a subjective, not for an objective genitive.

m. **possident,** 'are in possession of.'

§ 16. *a.* **nobilitatis,** 'the nobility,' i. e. the nobles as a class. Abstract for concrete, as often in the case of this word.

b. **fuisset.** Had we 'fuit' here, it would be the usual 'both .... and' or 'not only .... but also.' The subjunctive represents the former fidelity of Roscius to the nobles as a reason why he should specially exert himself on their behalf at a time when their dignity and their very existence were brought into jeopardy. Cp. Verr. I, § 11—'eum, cui et legatus et pro quaestore fuisset.'

c. **hoc tumultu proximo,** 'the late disturbances,' i. e. the civil war. The word 'tumultus' was specially used of a rising in Italy or Gaul (Phil. VIII, § 3; Cat. III, § 4; Liv. XXI. 28, § 4), and is absurdly derived by Cicero from 'timor multus,' in which he is followed by Servius (on Verg. Aen. VIII. 1).

d. **opera, studio, auctoritate,** 'exertions, zeal, and influence.'

e. **propter quos.** See § 63 *c.*

f. **numerabatur.** This is put as a fact, not merely as the idea of Roscius. Hence the indicative.

g. **ab armisque recessimus.** Cp. § 126 'ab armis recessum est.'

h. **frequens.** Many Latin adjectives have to be rendered by an adverb in English. For a striking instance take Hor. Carm. III. 20. 8—

'grande certamen, tibi praeda cedat
major an illi.'

i. **ut exsultare,** etc. The 'ut' of consequence, not of purpose.

a. **veteres inimicitiae,** 'a long-standing feud,' arising, it would seem, out of a family quarrel about property. See § 87 ad fin. The plural is usual in this word. Cp. §§ 55, 145; De Inv. II, § 20—'si amicitiae, si inimicitiarum (causa).' The idea may be that of a continued course of hostility. Julius Caesar in his grammatical treatise 'De Analogia' laid down that 'inimicitiae' could only be used in the plural, like 'arma,' 'moenia,' and 'comitia' (Aul. Gell. XIX. 8). Landgraf however points to the sing. in a philosophical sense in Tusc. IV, § 16, and Aulus Gellius quotes it from Ennius. **§ 17.**

b. **alterum ..... alterum.** The first 'alterum' refers to Titus Roscius Magnus, upon whose presence on the accusers' benches Cicero is repeatedly harping (§§ 84, 87, 95, 104), the second to Titus Roscius Capito. For the fact of the latter being in possession of the farms ('praedia' or 'fundi') see §§ 21, 99.

c. **viveret,** 'he would now be alive.'

d. **iniuria,** 'without good reason.' Cp. § 116.

e. **plurimarum palmarum,** 'who has won many a laurel.'

Landgraf calls attention to the fact that the descriptive genitive in Latin takes the place of a compound adjective in Greek—'plurimarum palmarum = *πολυστεφής*. The words refer to Capito. For this sarcastic use of 'palma,' cp. §§ 84, 100.

f. **vetus.** Implying that he was an old hand at murder. The diminutive is used in a slightly jocular sense in Pro Q. § 29—'Alfenus interea Romae cum isto gladiatore vetulo quotidie pugnabat.' Cp. § 28 *c*.

g. **nobilis,** 'well-known,' 'famous.' It is a term specially used of gladiators and public performers generally. In Pro Q. § 69 Cicero plays on the double meaning of the word 'nobilis.' He is twitting Sextus Naevius with political inconsistency, and hints that he had been such a violent democrat that he could not stomach even a gladiator who was 'nobilis'—'erat enim, inquit, illarum partium. quidni? qui apud te esset eductus; quem tu a puero sic instituisses, ut nobili ne gladiatori quidem faveret.'

h. **hic autem.** Notice the employment of 'hic,' instead of the usual 'iste,' because Magnus, who is present in court, is contrasted with the absent Capito. Cp. Verr. i. § 9, where 'hic' is used of Verres just where he is being contrasted with a person out of court, while in the next sentence Cicero returns to the usual 'iste.'

i. **ad eum lanistam.** Cp. § 102 'magistrum suum,' and § 118 'ille lanista.'

j. **quique . . . . . esset,** 'and though he might have been a tiro before this conflict.'

k. **quod sciam,** 'for aught I know.' The words leave it open to the hearers to imagine any previous villainies they please. For the subjunctive, cp. § 95 'quod salva fide possim.'

l. **ipsum magistrum.** Landgraf refers us to Cic. Ep. Fam. IX. 7, § 2, where Cicero quotes a Greek iambic line—

πολλοὶ μαθηταὶ κρείσσονες διδασκάλων.

§ 18. *a.* **Nam cum hic,** etc. It was not pretended by the accusers that the younger Sextus Roscius had murdered his father with his own hand (see § 79 ad fin.), so that Cicero is not required to establish an 'alibi.' Very likely he could not have proved his assertion that Magnus was at Rome at the time of the murder; and so the positive statement with which he commences is whittled down in the next pair of clauses into a mere presumption.

b. **adsiduus.** See § 67 *d*.

c. **Palacinas.** Cp. 'in vico Pallacine' in the fragmentary passage, § 132. The 'balneae Palacinae' are placed by antiquaries near the Circus Flaminius.

d. **spero . . . . . esse,** 'I expect there is no doubt.' See § 6 *n.*

e. **quod adhuc est suspitiosum,** 'which is so far enough to raise suspicion.' Cp. the use of the word in §§ 64, 120. Cornificius twice contrasts 'suspiciosus' in the same way with 'perspicuus' (Ad H. II, § 11, and IV, § 53). The first of these passages runs thus—it is a sample of how to treat circumstantial evidence—'cum multa concurrant argumenta et signa, quae inter se consentiant, rem perspicuam, non suspitiosam videri oportere.'

f. **culpae.** This may be either the gen. or dat. Both constructions are common with 'adfinis.' Take, for instance, De Inv. II, § 129—'adfinem esse alicuius culpae eum, qui accusaretur;' Verr. ii. II, § 94—'rei capitalis adfinem;' and De Inv. II, § 32 'nulli minus honestae rationi adfinis;' § 33 'aliis adfinem vitiis;' § 34 'nulli adfinis vitio ante admisso.' This last example shows the meaning with the dat. to be the same as with the gen., namely, 'implicated in,' not merely 'bordering on.'

g. **iudicatote.** Permissive imperative. 'You may set down my client as connected with the crime.' Cp. § 57 'latratote;' § 109 'iudicatote.'

a. **tenuis,** 'poor.' Cp. § 88 and 'tenuitas' in § 86. In De Inv. I, § 35 'tenuis' is used by Cicero as the contrary of 'pecuniosus,' whereas, when he comes to the same topic again (II, § 30), he substitutes 'pauper.' 'Tenuis' is the opposite of the Greek *παχύς*. Cp. our antithesis between 'slender' and 'substantial.' **§ 19.**

b. **libertinus.** The word 'libertinus' contemplates a freedman in his social position; 'libertus' in his relation to his master.

c. **et nuntiat.** This rhetorical repetition of a verb with 'et' is not uncommon.

d. **post horam primam noctis,** 'an hour after nightfall' = 'horâ primâ post noctem.' The expression has suffered grammatical dislocation. We may suppose 'post' to have got displaced and the rest of the phrase to have been accommodated to an erroneous notion that 'horam' ought to be governed by it. Cp. such phrases as 'ante diem tertium Idus Martias,' where the 'ante' really belongs to 'idus,' while 'diem tertium' stands for 'die tertio.' When the Greeks translated these Latin phrases, they reflected the grammatical irregularity. Thus Plutarch has *πρὸ μιᾶς νωνῶν Κυντιλίων, πρὸ δυεῖν ἡμερῶν ἢ ἐτελεύτα* (Sull. 27, 37).

e. **primo diluculo,** 'at the first streak of day.' Macrobius, Sat. I. 3—'diluculum, id est, cum incipit dies dignosci.'

f. **nocturnis.** The Roman hours varied with the length of the natural day and night. Hence there is a rhetorical force in 'noc-

turnis,' if we suppose the murder to have been committed in the summer (cp. § 128), when the hours of the night would be shorter than those of the day. Five-sixths ($=\frac{10}{12}$) of a summer night is considerably less than what ten hours would mean with us. Similarly, when daylight hours are spoken of, 'hiberna hora' denotes a shorter period than 'aestiva.' Plaut. Pseud. V. ii. 11—

Si. 'Credo equidem potesse te, scelus, Massici montis uberrimos quatuor
Fructus ebibere in hora una. *Ps.* "hiberna," addito. *Si.* Haud male mones.'

g. **sex et quinquaginta.** The Roman mile is estimated at 1618 English yards, so that 56 Roman miles is almost exactly equal to $51\frac{1}{2}$ English. Glaucia's drive therefore was not so far as from Oxford to London.

h. **cisiis pervolavit,** 'he posted.' The 'cisium' was a light two-wheeled vehicle used for rapid travelling. Cp. Phil. II, § 77. The change of beasts at the various halting-places is probably enough to account for the pl. The Scholiast informs us that the 'cisium' was a Gallic vehicle, from which Landgraf infers that the word is of Celtic origin, like so many others connected with riding and driving—'esseda, covinum, petorritum, raeda, benna' (which appears to have been a basket-carriage), 'caballus,' and probably 'carrus' and 'carruca.' Cp. Caesar's remark on the fondness of the Gauls for horses (De Bell. Gall. IV. 2).

i. **nuntium.** Notice how 'nuntius' denotes the message as well as the messenger.

j. **cruorem.** 'Sanguis' is blood in the veins; 'cruor,' blood that has been shed, 'gore.'

§ 20. *a.* **Quadriduo, quo,** etc., 'within four days from the time when these things were done.' Cp. § 105, 'quadriduo, quo is occisus est.' Literally 'within the space of four days in which.' The idiom is a common one. Cp. Verr. ii. I, § 20—'unâ horâ, quâ coepi dicere;' Caes. Bell. Gall. IV. 18—'Diebus decem, quibus materia coepta erat comportari;' and with 'in' preceding Ter. And. 104—

'ferme in diebus paucis, quibus haec acta sunt,
Chrysis vicina haec moritur.'

b. **ad Chrysogonum,** etc. Notice here a difference between Latin and English idiom. The Latin expresses motion with each word; we should express it once for all. 'The matter is reported to Chrysogonus in (Lat. into) the camp of L. Sulla at (Lat. to) Volaterrae.' Cp. § 74 *c*.

c. **Volaterras.** A town in the north of Etruria. This was

the last refuge of the proscribed Marian party. Its inhabitants held out against Sulla for two years, until at last they obtained terms of surrender. The description of the place as given by Strabo (V. 2, p. 360 Tauchn.) is enough to account for this long resistance. He says that the town was built on a flat-topped hill, which rose out of a deep ravine, and had a precipitous descent on every side.

d. **fundos.** The exact meaning of 'fundus,' as defined in later legal Latin, is a piece of land in the country with a house on it, as opposed to 'ager,' which implies no building. Digest L. 16, § 211 —'ager cum aedificio "fundus" dicitur.'

e. **decem et tris.** Notice the form of the numeral. The order is reversed in § 99, where we have 'tribus et decem.' Caesar (Bell. Gall. I. 8) has 'decem novem' for nineteen.

f. **Tiberim . . . . . tangunt.** Increasing the value by supplying the element of convenience of situation. The crops would be conveyed by river to Rome, at least in the winter and spring. Pliny, Epist. V. 6, § 12—'Medios ille (i.e. Tiberis) agros secat, navium patiens, omnesque fruges devehit in urbem, hieme dumtaxat et vere.'

g. **tam splendidus.** 'Tam' is used as in our colloquial phrases, 'so pretty,' &c. 'Splendidus' may be considered a standing epithet of the equestrian order, in the same way as 'amplus' of the senatorial. Cp. § 140—'equestrem splendorem;' Pro Plancio, § 12—'ne equestrem quidem splendorem;' Pro Mil. § 74—'equite Romano, splendido et forti viro;' De Nat. Deor. III, § 74—'Q. Sosius, splendidus eques Romanus.' In the time of Augustus the 'census equester' was fixed at 100,000 sesterces.

h. **Ne diutius teneam,** 'not to be tedious.' For the omission of 'vos' cp. Verr. ii. I, § 34—'ne diutius teneam, pecunia attributa, numerata est.'

i. **societas coitur.** This is a term borrowed from business. 'A joint-stock company is formed.' But it contains also a hint of conspiracy. Cp. § 87 ad in.

a. **refertur in tabulas,** 'set down on the proscription list.' This **§ 21.** entailed as a consequence the confiscation of all his goods.

b. **manceps.** The legal term for the purchaser of anything at a public auction, or for one who takes a contract from the state. Festus (Müller, p. 151)—'Manceps dicitur, qui quid a populo emit conducitve.' The word occurs in the sense of 'contractor' in Verr. Div. § 33 ad in.

c. **vel nobilissima.** See § 6 *e*.

d. **propria,** 'as his own.' The farms which Magnus ('iste') occupied were taken in the name of Chrysogonus.

e. **quae hodie possidet.** This clause states an additional fact, and is therefore coordinate with the preceding. Were it turned into the oblique narration, the verb would be put in the infinitive. Translate—'And these farms he is in possession of at this moment.'

f. **nomine Chrysogoni.** Cp. § 23 'procurator Chrysogoni.'

g. **Haec bona,** etc. Cp. § 6, from whence these words are thought to be interpolated.

§ 22. *a.* **neque enim mirum,** etc. Cp. the whole passage which follows with the still grosser flattery of § 131.

b. **et ea quae praeterita sunt . . . . praeparet.** Unless something has dropped out, we have here a very bold zeugma. Translate by some neutral word such as 'attend to.'

c. **si aliquid non animadvertat,** 'if *something* should escape his notice.' The words depend upon 'neque enim mirum' (supply 'est'). The emphatic nature of the pronoun accounts for the shorter form 'quid' not being employed, as usual, after 'si.' Cp. Pro Mil. § 66—'cavebat . . . . Pompeius . . . . omnia, ne vos aliquid timeretis.' So in De Sen. § 44—'sed si aliquid dandum est voluptati, quoniam eius blanditiis non facile obsistimus.'

d. **cum praesertim,** 'especially as.' Cp. §§ 51, 66. Cicero inclines rather to this order of the words: but the form 'praesertim cum' occurs also in the same sense, e.g. Phil. II, § 64. In the same way 'qui' sometimes precedes and sometimes follows 'praesertim.'

e. **occupationem eius observent,** 'are watching to find him employed,' i.e. too much engrossed in state business to attend to their doings.

f. **tempusque aucupentur.** Literally 'are fowling for an opportunity'; the equivalent metaphor in English is 'fishing for.'

g. **despexerit,** 'let his glance drop,' i.e. taken his eyes off them. This appears to be the only passage in which the word is used in this sense: but it is quite intelligible as opposed to 'circumspicere,' which denotes vigilance. The usual phrase is 'oculos deiicere.'

h. **felix.** After the defeat and death of the younger Marius, Sulla assumed the surname of Felix (Vell. Pat. II. 27, § 5). Similarly his son was called Faustus and his daughter Fausta (Plut. Sull. 34).

i. **familia.** Here equal to 'household,' including all servants and retainers. Contrast its use in § 15.

§ 23. *a.* **iste T. Roscius.** Magnus, who was present in court.

b. **vir optimus.** Used in the same sarcastic way in § 104 ad in.

c. **procurator Chrysogoni.** Cp. § 21 'nomine Chrysogoni.' A 'procurator' was an agent or attorney, who was empowered to act for another. Digest III. 3, § 1—'Procurator est qui aliena negotia mandatu domini administrat.'

d. **funeri.** It is possible that 'funus' here may have its poetical sense of 'corpse.'

e. **iusta.** Servius (on Aen. V. 64) tells us that among the ancient Romans the corpse was kept for seven days, burnt on the 8th, and buried on the 9th. He quotes Horace, Epod. XVII. 48—

'Novemdiales dissipare pulveres,'

which means ashes that have just been buried.

f. **solvisset.** The usual phrase is 'iusta facere.' The force of the subj. is 'though he had not yet paid.'

g. **eicit.** Cp. § 71 'obicere, deicere;' § 72 'eiciuntur;' § 81 'obicient;' § 153 'reicitis.' 'I- consonans is omitted before i by the compounds of "ĭacio," "āb-icio," "cōn-icio," "prō-icio," "rē-icio," etc.; though the long quantity of the first syllable is kept; i being=ji.' (P. S. L. G. § 12, viii. 1, 4.)

h. **atque focis,** etc. 'Atque' couples the two verbs 'eicit' and 'exturbat.'

i. **praecipitem.** Cp. Pro Q. § 83—'at hic quidem, iam de fundo expulsus, iam a suis dis penatibus praeceps eiectus.'

j. **pecuniae.** See § 6 *g*.

k. **dominus,** 'owner;' used equally in relation to land, money, and slaves.

l. **qui . . . . . fuisset,** 'as he had been.' The subj. gives a reason for the extravagance of his subsequent behaviour.

m. **egentissimus.** Landgraf registers the observation that 'pauper' occurs only three times in the whole of Cicero's speeches, and 'paupertas' only once. They are not strong enough for his rhetorical diction. A 'pauper' among the Romans might be independent and respectable. Cp. Hor. Epist. II. 2, 12—'meo sum pauper in aere.' A passage in the Paradoxa (VI, § 45) shows 'paupertas' to be a weak word—'itaque istam paupertatem vel potius egestatem ac mendicitatem tuam nunquam obscure tulisti.'

n. **ut fit.** These words show us that the experience of the Romans was in keeping with our own—'Set a beggar on horseback, and he'll ride to the devil.' The character of the 'nouveau riche' was ridiculed on the Roman stage. See what Cicero says of Antony (Phil. II, § 65)—'exsultabat gaudio persona de mimo, modo egens, repente dives.'

o. **constituta,** etc., 'he held an auction and sold.'

§ 24. *a.* **ne iter quidem,** etc. This is not a mere rhetorical flourish, but refers to a legal technicality. When land changed hands, the former owner would generally reserve a right of access to his family sepulchre. The 'fundus' was then said 'servire,' and this limitation of ownership was known as 'servitus.' Digest XLVII. 12, § 5—'Utimur eo iure, ut dominis fundorum, in quibus sepulchra fecerint, etiam post venditos fundos adeundorum sepulchrorum sit ius.'

b. **sepulcrum patrium,** 'his family burying-place.'

c. **reliquisset.** Subjunctive, because it is one of the things which are said to have presented themselves to the minds of the 'Amerini.'

d. **possessio,** 'occupation.' Cp. § 15 'possident.'

e. **furta, rapinae.** The first of these words refers back to 'plura clam de medio removebat,' the second to 'multa palam domum suum aufereba.'

f. **ardere illa omnia mallet.** The 'illa' was added to the text by later editors, because the words are thus quoted by the grammarian Julius Rufinianus.

g. **in . . . . . bonis iactantem se ac dominantem,** 'swaggering and lording it.' Cp. Pro Q. § 98—'cum illum in suis paternis bonis dominari videret.' The sentiment is the same as in De Off. I, § 139—'odiosum est enim, cum a praetereuntibus dicitur:

O domus antiqua, heu quam dispari
dominare domino!'

Cp. Phil. II, § 104—'o tecta ipsa misera, "quam dispari domino!"'

§ 25. *a.* **decurionum,** 'of the town-council.' Cp. Pro Sest. § 10 'Capuae decuriones'; Caes. Bell. Civ. I. 13 ad in. 'Auximi decuriones'; Pro Clu. § 41 'decuriones universi.' The 'decuriones' were the members of the senate in the 'municipia' and the colonies. According to the Digest (L. 16, § 239, 5) they were so called because when the colonies were originally led out, a tenth part used to be chosen as a deliberative body.

b. **decem primi,** 'the ten leading men.' This was a smaller body chosen out of the 'decuriones' for the transaction of business. The number varied. Thus we read of 'quinque primi' (Verr. ii. III, § 68), 'sex primorum' (De N. D. III, § 74), 'decem primos' (Verr. ii. II, § 162), 'Massiliensium quindecim primos' (Caes. Bell. Civ. I. 35, ad in.).

c. **qui vir,** 'what sort of man,' i. e. how loyal to the cause of the nobility.

d. **conservatas velit.** Sulla's will was law. See § 125 *a*. For the constr. of 'volo' with a perf. part. pass. cp. § 2, Verr. i, § 18, 'nominatum volo.' It is used similarly with an adj. without 'esse,' e. g. De Inv. II, § 107 'salvum velint.'

e. **iam ante.** See § 21 ad fin.

f. **et ipse . . . . adlegat,** 'not only comes to them himself, but deputes men of rank.' So Verr. ii. I, § 149 'petit a me Habonius et amicos adlegat.' We have the corresponding abstract term 'adlegatio' in Verr. ii. I, §§ 44, 136.

g. **vellent esse facturum pollicerentur.** Notice how the verbs are piled together at the end of the sentence. So in § 26 'erant, appromitteret, crediderunt'; § 116 ad fin. 'putarunt haberi oportere;' § 117 'posse feri videtur.' In De Inv. I, § 82, Cicero achieves the reservation of four verbs to the end, 'adferetur, haberi conveniat, ostendetur.'

a. **Homines antiqui,** 'men of the old school.' Cp. § 27 'anti- § **26.**
qui officii.' Between 'antiquus' and 'vetus' there is the same contrast observable as between *παλαιός* and *ἀρχαῖος* in Greek, the former of each pair tending to be used in a good, and the latter in a bad, sense. But none of these words is rigorously restricted to either meaning.

b. **T. Roscius Capito.** The position of T. Roscius Capito is difficult to understand, owing to the whole of the facts not being before us. We may infer that he was not at this time in possession of the three farms, as mentioned in § 21.

c. **appromitteret,** 'added his promise'—*ἅπαξ εἰρημένον*: but 'appromissor' occurs in legal Latin in the sense of one who gives security.

d. **re inorata,** 'without pleading their cause.' Cp. the phrase 're infecta.' 'Orator' in old Latin meant the same as the later word 'legatus' (Festus, Müller, p. 199).

e. **primo . . . . deludere,** 'first the opponents began to put off the matter every day and talk about "to-morrow" ("cras"); then to act in a much more leisurely way and downright delude them.'

f. **id quod facile intellectum est,** 'as was readily inferred.' Cicero does not say that this charge against the opponents was proved.

a. **de amicorum cognatorumque sententia.** Cp. Verr. ii. II, § **27.**
§ 91 'de amicorum hospitumque suorum sententia.' Before taking important steps in private life, it was usual for a Roman to hold a

council of friends and relations. Valerius Maximus (II. 9, § 2) records how the censors removed L. Antonius from the senate for having divorced his wife without consulting his friends as to the measure ('nullo amicorum in consilium adhibito').

b. **Caeciliam.** One of the powerful family of the Metelli. See § 15 *e*.

c. **Nepotis filiam.** In § 147 she is explained to be 'Baliarici filia, Nepotis soror.' See note.

d. **honoris causa.** See § 6 *c*.

e. **qua pater usus erat plurimum,** 'with whom his father had been very intimate.' So Verr. ii. I, § 139—'eo sum usus plurimum;' De Am. § 2—'P. Sulpicio utebare multum.'

f. **quasi exempli causa,** 'as though to show us what it was.'

g. **antiqui officii.** Cp. Pro Q. § 59—'antiquam officii rationem dilexit, cuius splendor omnis his moribus obsolevit,' and again § 72—'hominem antiqui officii.'

h. **hospiti.** See § 15 *h*.

i. **ut hic potius,** etc. A double antithesis, which it is not easy to keep up in English—'that he lived to be accused, instead of being murdered and proscribed,' i.e. entered on the list to hide the murder, as Catiline entered his brother's name.

§ 28. *a.* **ut nomen,** etc. The three clauses commencing with 'ut' are epexegetical of 'consilium.' The genitive of the gerund might have been employed instead of them. Even a simple infinitive is sometimes used, e.g. Pro Q. § 53 ad fin.—'eadem te hora consilium cepisse, hominis propinqui fortunas funditus evertere.'

b. **nomen . . . deferrent.** 'Nomen deferre' is the regular term for lodging an accusation against some one. The accuser laid the name before the praetor, under whose jurisdiction it came to take cognisance of the charge, and the praetor, if he thought fit, entered it on the list of accused. The praetor was said 'nomen accipere' (De Inv. II, § 58 ad fin.) or 'recipere' (Verr. ii. II, § 94 ad fin.). In public trials, when rival accusers came forward, their claims had to be argued in court (Ad H. I, § 22 ad fin.; Verr. Div. § 10). This process was called 'divinatio.' From 'nomen deferre' is derived the name 'delator,' which became of such sinister import under the Empire, and the abstract term 'delatio.'

c. **veterem.** Cp. § 17 and § 39 'vetus sicarius'; also the Terentian use of 'veterator' (Andr. 457, Haut. 889) for 'an old hand,' 'a crafty fellow.'

d. **de ea re,** 'on *a* matter,' which is further defined by 'in qua re.'

e. **in qua re.** The repetition of the antecedent imparts a somewhat formal and precise air to a statement. Caesar is particularly addicted to the practice, e.g. Bell. Gall. I. 6—'diem dicunt, qua die,' etc. So in many passages in Cicero, e.g. Verr. ii. II, § 37—'dies advenit, quo die, etc.; De Inv. I, § 29 ad fin.—'ad eam rem, qua de re narrabitur;' ibid. II, § 82—'postulabit ut legem, qua lege fecerit, proferat.'

f. **nulla subesset suspitio,** 'there was no hint of a suspicion.'

g. **tempore ipso,** 'on the circumstances of the times,' explained by what follows—'ita loqui homines,' etc.

h. **Ita loqui homines.** In the oblique narration, because it is what the opponents ('isti') are represented as thinking.

i. **patronos.** We may say 'counsel.' See § 5 *b*.

j. **de bonorum venditione.** Cp. § 58.

k. **societate.** See § 20 *i*.

l. **atrocitate,** 'blackness.' 'Atrox' is said to come from 'ater,' as 'ferox' from 'ferus.'

m. **fore ut tolleretur** = fut. infin. pass., 'sublatum iri.'

n. **ab nullo.** 'Nullo' and 'nullius' are used in place of the abl. and gen. respectively of 'nemo.'

a. **atque adeo.** These particles are used in correcting one § 29
expression by another, generally by a stronger one. So § 100 'si prodierit, atque adeo' (or rather I should say) 'cum prodierit,' § 113 'inter honestos homines atque adeo inter vivos.' In § 110 ad fin. we have 'ac potius' in the same sense. Cornificius (Ad H. IV, § 36) enumerates 'correctio' among the devices of rhetoric. One of his examples is this—'o virtutis comes invidia, quae bonos sequeris plerumque atque adeo insectaris!'

b. **iugulandum,** 'to cut his throat,' or perhaps rather 'to throttle him.' Cp. the words used by Sallust (Cat. 55)—'vindices rerum capitalium . . . laqueo gulam fregere.'

c. **querar.** Deliberative conjunctive, like the verbs that follow.

d. **quod.** Notice that this is the adjectival form of the interrogative; with the substantial form we should have 'quid auxilii.'

e. **Deorumne,** etc. This is not a disjunctive interrogation, but a number of independent questions massed together for rhetorical effect—'Am I to implore at this moment the protection of the gods? Am I to implore that of the Roman people? etc.'

a. **infesta,** 'rendered unsafe.' The word has the form and often § 30.
the force of a participle. In Verr. ii. I, § 93 ad fin. it appears to mean 'rendered hostile'—'hi, qui decretis edictisque tuis in te concitati infestique sunt.' Its prevailing meaning is 'hostile,' but some-

times it is used in the sense of 'exposed to hostility,' as here and in Pro Plancio, § 1—'si huius salus ob eam ipsam causam esset infestior, quod is meam salutem . . . texisset.' The word forms the text of a chapter in Aulus Gellius (IX. 12) on expressions which admit of reciprocal and opposite meanings, such as 'formidolosus,' 'invidiosus,' 'suspitiosus,' 'gratiosus,' 'laboriosus,' 'nescius,' 'ignarus,' etc.—'nam et is "infestus," dicitur, qui malum infert cuipiam; et contra, cui aliunde impendet malum, is quoque "infestus" dicitur.'

b. **ferro atque insidiis,** 'by secret violence.' A hendiadys. Cp. § 8 'sententias iusque iurandum,' § 9 'natura pudorque,' § 129 'ex animi mei sensu ac dolore.'

c. **maleficiis sceleris.** 'Scelus' is here guilt in the abstract; 'maleficium,' an evil deed.

d. **cumulant atque adaugent,** 'they cap and crown.'

e. **ut optet.** Explanatory of 'hanc conditionem.' Cp. the constr. after 'consilium ceperunt' in § 28.

f. **cervices.** Varro (L. L. VIII, § 14; cp. X, § 78) mentions that Hortensius 'in his poems' deviated from custom in using this word in the singular. In meaning it varies between 'neck' and 'shoulders.' Here we may render it 'throat.' Cp. the parallel expression in the Pro Milone, § 31—'optabilius Miloni fuit dare iugulum P. Clodio.'

g. **culeum,** 'a sack.' On the punishment of parricides see § 70 *l.*

h. **desunt.** In § 5 Cicero had said 'ego huic causae patronus exstiti.' Here he professes to regard himself as unworthy the title of 'patronus' in comparison with the men who might have undertaken the defence.

i. **libere.** A strong word = *μετὰ παρρησίας.* Cicero uses it in § 31 to cap the climax of 'libenter, audacter.'

§ 31. *a.* **fecerim,** 'I may have acted.' Potential.

b. **hercules.** Not nom. for voc., but the remnant of some such expression as 'ita me Hercules iuvet.'

c. **certum est deliberatumque,** 'I am deliberately resolved.' Cp. § 83 'quod certum est non facere.' 'Certus' may be a participle from 'cerno.' Cp. 'tersus' from 'tero,' by the side of 'tritus.'

d. **nulla res tanta,** etc., 'no such emergency shall arise as to make it possible for fear to be more powerful with me than honour.'

§ 32. *a.* **tam dissoluto animo,** 'so slack.' Cp. Pro Q. § 38—'quis tam dissolutus in re familiari fuisset, quis tam neglegens? etc.'

b. **tacere ac neglegere,** 'pass over in silence.'

c. **meum.** Here the patron identifies himself with his client. Cp. §§ 94, 145.

d. **iugulastis; occisum.** 'Occisum' is for 'iugulatum,' for the avoidance of monotony. Sometimes the bare repetition of the word has more force, e.g. Ter. And. 298—'accepi; acceptam servabo.'

e. **subsellia.** On which the jurors sat. Cp. § 12 ad fin.

f. **condemnetis,** 'get condemned.' Pro Clu. § 9—'Corrupisse dicitur A. Cluentius iudicium pecunia, quo inimicum innocentem Statium Albium condemnaret.'

a. **Hominem longe audacissimum,** etc., 'by far the most audacious man that we have had of late among us was C. Fimbria.' § 33.

b. **C. Fimbriam.** A prominent member of the Marian party. Everything that we hear of him is in keeping with the account of Cicero. In the epitome of Livy 82 he is described as 'ultimae audaciae homo,' and Velleius Paterculus speaks of his character as a mixture of villainy in design and audacity in execution (II. 24, § 1). The fullest account of him is to be found in Appian (Bell. Mith. 51–3, 59, 60). Being sent out to aid the consul L. Valerius Flaccus (B.C. 86) in carrying on the war against Mithridates, in opposition to Sulla, who had been declared a public enemy, Fimbria raised a mutiny against his commander, and had him murdered. He then assumed the command himself, and for some time prosecuted the war with a vigour stained by cruelty. One of his exploits was the treacherous destruction of the city of Troy. Fimbria's success deserted him when he came into contact with the fortune of Sulla. His own soldiers refused to support him, while those of Sulla derided him as a usurper. At last he stabbed himself in the temple of Aesculapius at Pergamus, and was fain to supplicate a slave to complete his destruction. It is doubtless this Fimbria whose eloquence Cicero characterises as that of a madman. Brut. § 233.

c. **Q. Scaevola,** i.e. 'Q. Mucius Scaevola, Publii filius,' who was 'pontifex maximus.' He must be distinguished from the augur of the same name, who was also a lawyer of repute. Cicero studied law first under the augur and then under the pontifex (De Am. § 1). Of the latter, with whom we are here concerned, he always speaks in terms of the highest admiration. Take for instance the words in the De Amicitia—'quem unum nostrae civitatis et ingenio et iustitia praestantissimum audeo dicere,' and the elegant compliment which he makes Crassus pay him in the De Oratore (I, § 180)—'iuris peritorum eloquentissimus, eloquentium iuris peritissimus.' Scaevola lived for four years after the attempt on his life which is narrated in the text. But in the consulship of the younger Marius, B.C. 82, he was murdered by the praetor Damasi pus, at the sug-

gestion of Marius. His blood stained the portals of the temple of Vesta (Liv. Epit. 82: Cic. De Orat. III, § 10). Scaevola was one of the chief founders of Roman law.

d. **laude.** See § 2 *b*.

e. **locus est ut.** A constr. similar to 'convenit ut,' 'tempus est ut,' etc.

f. **diem . . . dixit.** Cp. Pro Mil. § 36—'diem mihi, credo, dixerat.' The 'diei dictio' was a formal notice of an intention to accuse a man on a specified day before the people. In this case we may assume that the accusation was never actually brought.

g. **tandem.** 'Tandem' imparts an air of surprise and impatience to a question—'what on earth?'

h. **quem pro dignitate,** etc., 'whom no one could find words to praise as he deserved.' The whole sentence is thus paraphrased by Valerius Maximus (IX. 11, § 82)—'Interrogatus deinde quid de eo secus dicturus esset, cui pro sanctitate morum satis digna laudatio reddi non posset, respondit se obiecturum illi, quod parcius corpore telum recepisset.'

i. **quod non totum,** etc. Because he had not, like a gallant gladiator, bared his breast to receive the final blow. Cp. Pro Sest. § 80—'num ut gladiatoribus imperari solet, ferrum non recepit?'

j. **quo.** The relative extends to the whole incident just detailed.

k. **potuit.** This is perhaps the aorist, which is followed by the perfect, in place of the imperfect, whenever stress is meant to be laid upon a consequence as actually realised.

l. **omnis . . . adflixerit.** This is explained by the words which follow. Cicero seems to have thought that Scaevola was the one man who might have mediated between the contending parties. His own politics were perhaps derived from Scaevola.

m. **quos quia,** etc., 'owing to his wish to save whom by effecting an agreement, he was himself slain by them.' The construction is a little loose. 'Eis' apparently refers to the same subject as 'quos,' while in reality it is confined to the adherents of Marius.

n. **compositionem.** Cp. § 136 'ut componeretur,' and Phil. II. § 24—'pacis concordiae, compositionis auctor esse non destiti.'

§ 34. *a.* **Estne.** Here equivalent to 'nonne est.' Cp. § 66 *a*.

b. **Illud quia,** etc. This clause is not interrogative, but concessive—'the other outrage, I grant you, seems shocking, because it was committed in the case of Scaevola: but is this to be endured merely because it is done by Chrysogonus?'

c. **locus,** 'topic.' Cp. § 78 ad fin. In this sense the pl. is 'loci.'

d. **Totam causam.** At this point Cicero enters upon that part of the speech which is called by himself 'partitio' (De Inv. I, §§ 19, 31) and by Cornificius (Ad H. I, §§ 4, 17) 'divisio.' This part was designed to effect two objects: (1) to set clearly before the minds of the judges what points were agreed upon between the contending parties, and what points were in dispute; (2) to lay down the order of treatment beforehand under definite heads, so that the hearers might know when to expect the peroration.

e. **expositam.** A variation for 'explicatam.' Cp. § 32 *d.*

f. **quae res totum iudicium contineat,** 'what is the gist of the whole trial.' The technical name for this was the 'iudicatio.' In the case of a question of fact, or 'constitutio coniecturalis,' like the present, the 'iudicatio' coincided with the 'quaestio.' De Inv. I, § 19; II, § 15.

g. **sequi,** 'to keep in view.' De Inv. II, § 126—'quo in loco iudici demonstrandum est, quid iuratus sit, quid sequi debeat'; Ad H. II, § 13—'quid iudicem sequi conveniat'; Verr. Div. § 10—'ut in constituendo accusatore quid sequi possitis habeatis.' The same sense is expressed in other words in Pro Mil. § 15—'Cn. Pompeius . . . statuisse videtur, quid vos in iudicando spectare oporteret,' i.e. has determined the 'iudicatio.'

a. **quantum ego existimare possum,** 'as far as I can make out.' § 35.

b. **quae obstent,** 'to stand in the way of.'

c. **Erucius.** This may be the same person who appears to have acted as accuser in the case of L. Varenus, and against whom a good saying is recorded: 'Erucius hic noster Antoniaster est,' which means that he was a spurious imitation of the great orator Antonius. See Fragm. Pro Vareno, 10, and cp. Quint. viii. 3, § 22. Fleckeisen suggested that the name may be a Latinised form of *Ἐρύκιος* from *Ἔρυξ*, and the owner of it a Sicilian Greek by extraction. The 'u' in that case will be short.

a. **ideo quod,** 'for this reason that.' § 36.

b. **ego crimen oportet diluam.** For 'oportet ut ego crimen diluam.' By this constr. a much greater emphasis is gained for the pronoun than if the words had been 'me crimen oportet diluere.' 'Ego crimen diluere debeo' would have been equally emphatic: but the verb 'debere' was wanted below.

c. **exstinguere atque opprimere.** The metaphor is from stamping out a flame.

a. **maleficio.** A variety for 'facinore.' Cp. § 30 *c.* § 37.

b. **scelera omnia,** 'all sorts of guilt.' Abstract nouns admit

of the pl. when we begin to classify attributes and arrange them into genera and species.

c. **complexa.** Notice that the deponent participle is here used in a passive sense.

d. **esse videantur.** Generic use of the subjunctive. Cicero's fondness for the ending 'esse videatur' was noticed by the ancient critics, who complain of its imitation by subsequent writers. Quintilian (x. 2, § 18) says—'Otiosi et supini, si quid modo longius circumduxerunt, iurant ita Ciceronem locuturum fuisse. Noveram quosdam, qui se pulchre expressisse genus illud coelestis huius in dicendo viri sibi viderentur, si in clausula posuissent "esse videatur."' To the same effect is Tacitus, Dial. 23.

e. **voltu saepe laeditur pietas,** 'filial respect is often violated by a look.' 'Pietas' is thus defined in the De Inventione (II, § 66; cp. § 161)—'quae erga patriam aut parentes aut alios sanguine coniunctos officium conservare moneat.'

f. **in eum, qui mortem obtulerit.** The subj. imparts a generic force to the 'eum.' So below, 'eius, qui in crimen vocetur.' For the phrase 'mortem offerre alicui' cp. § 40, and Pro Sest. § 48 ad fin.—'mortem saepe hostibus obtulisset.'

g. **cogebant.** We may turn this by 'he was bound.'

§ 38. *a.* **portenti . . . simile.** The gen. after 'similis' is said to be specially used of a *moral* resemblance.

b. **in crimen vocetur.** For the phrase cp. § 113 'in crimen iudiciumque vocatur.'

c. **immanem,** 'brutish.' Cp. §§ 63, 71, 146, 150, in all which passages the word is coupled either with 'bestia' or 'fera.'

d. **omnia ad perniciem,** etc. Mr. King vigorously renders this, 'the whole character shattered and blasted in utter ruin.' The metaphor, if there is one intended, is from the defeat of an army. The strict meaning of the word 'profligare' is 'to break the neck of a thing'; it is used of giving all but the final blow to an enemy. See this meaning brought out in Liv. xxi. 40, § 11—'Sed ita forsitan decuit, cum foederum ruptore duce ac populo deos ipsos sine ulla humana ope committere ac profligare bellum, nos, qui secundum deos violati sumus, commissum ac profligatum conficere.' So also by Augustus on the monumentum Ancyranum—'coepta profligataque opera a patre meo perfeci.' These and many other passages show that Aulus Gellius (xv. 5) is wrong in objecting to the use current in his own day of the phrase 'in profligato esse' of a thing that is almost finished. Cicero, however, often uses 'profligatus' in a rough sense as a synonym for 'perditus,' as here and in Verr. i,

§ 8—'usque eo senatoria iudicia perdita profligataque esse arbitratur.'

e. **obiciendi**, 'of damaging his character,' i.e. without attempting to substantiate the charge.

f. **nequam.** Indeclinable adjective. It is supposed to be a relic of a phrase 'ne quam frugem habet,' indicating that a person was good for nothing. This word, therefore, with its opposite 'frugi,' carries us back to the early rural life of Italy.

a. **Annos natus maior quadraginta.** The construction is on the lines of 'annos natus quadraginta'; 'maior' does not affect it. Adverbs of quantity are similarly interpolated. Cp. Pro Q. § 41—'At tecum plus annum vixit'; Verr. ii. I, § 14—'cum (eum) Syracusis amplius centum cives Romani cognoscerent.' The same sort of construction is found in Greek, e.g. Xen. Anab. vi. 4 (2), § 24—*ἀποκτείνουσι τῶν ἀνδρῶν οὐ μεῖον πεντακοσίους.* Sometimes 'quam' is used after 'maior,' as in Livy xlv. 32—'cum liberis maioribus quam quindecim annos natis.' This implies a nom. sing. 'maior quam quindecim annos natus,' and 'maior natus' as a whole is turned into the abl. pl. to agree with 'liberis.' A simpler form occurs in § 100 'minorem annis lx.' § 39.

b. **ne dici quidem**, 'even alleged,' i.e. without attempt at proof.

c. **Luxuries.** Immediately below we have the abl. of the 1st decl. So again in § 75 the nom. is used according to the 5th and the abl. according to the 1st declension. Cp. the variety of form in 'materies,' 'tristities.'

d. **purgavit.** It would be too much to say that this governs 'hunc'; but the proximity of that pronoun renders the omission of the object easier here.

e. **in convivio.** For this charge cp. § 52. The dat. is the prevailing constr. with '**interesse.**'

f. **cupiditates.** A general word for 'passions.' De Inv. I, § 33—'genus est omnium nimirum libidinum cupiditas.'

g. **habitarit . . . vixerit**, 'dwelt in the country and spent his life in farming.' There is a tendency in English to confound these two different ideas, which relate severally to space and time, under the one verb 'to live.' With 'habitare' and 'vivere' compare Germ. 'wohnen' and 'leben,' French 'demeurer' and 'vivre.'

h. **quae vita.** Referring to the cogn. acc. latent in 'vixerit.'

i. **maxime disiuncta a cupiditate.** In Verr. ii. II, § 149, Cicero speaks of farmers as 'is ordo atque id hominum genus, quod optimum atque honestissimum est.'

§ 40. *a.* **istum,** 'which you ascribe to him.'

b. **obiecit,** 'suggested.' Cp. Liv. v. 15—'profecto iratos deos Veienti populo illo fuisse die, quo sibi eam mentem obiecissent, ut excidium patriae fatale proderet.'

c. **eam quoque,** i.e. the motive for a son being disliked by a father.

d. **illud.** Referring to the more remote circumstance; 'hoc' below refers to the one that has just been mentioned.

e. **sine plurimis et maximis causis.** See § 61 *c*.

f. **odio fuisse parenti.** Like the often-quoted line of Horace (Carm. I. 28. 18):

'Exitio est avidum mare nautis.'

Other instances of this constr. are to be found in §§ 13, 48, 81, 84, 142. The first of the two datives is what is called in the P. S. L. G. 'the Predicative Dative of Purpose.'

g. **necessariis,** 'cogent.'

§ 41. *a.* **Rursus.** For 'reversus,' and therefore really pleonastic with **revertamur**: but this would not be felt, any more than in our expression 'go back again.'

b. **eodem.** See § 38.

c. **is,** 'he in particular.' The question might be taken for a general one, if it were not thus limited by the pronoun.

d. **qui odisset,** 'in that he hated.'

e. **constantissimus.** 'Constantia' is one of those peculiarly Roman ideas, like 'auctoritas,' 'gravitas,' 'fides,' 'industria,' 'diligentia,' for which it is difficult to find an exact equivalent in English. 'Consistency' with us is not necessarily a virtue. Mr. King translates 'the steadiest of men.' Its opposite is here 'amentia.' Cp. Cat. II, § 25—'hinc constantia, illinc furor.'

f. **profecto,** 'indeed.' For 'pro facto.'

§ 42. *a.* **relegarat.** 'Relegare' is to send away with a view to getting rid of. As a law term 'relegatio' means banishment without loss of civil rights ('capitis deminutio') and not without hope of return. It denotes therefore a milder punishment than 'exsilium' or 'deportatio.' See Ovid, Tristia II. 135–7:

'Adde, quod edictum, quamvis immane minaxque,
Attamen in poenae nomine lene fuit.
Quippe relegatus, non exsul, dicor in illo.'

Here the word is applied to the exercise of the 'patria potestas,' as in De Off. III, § 112—'criminabatur etiam, quod Titum filium . . . ab hominibus relegasset et ruri habitare iussisset.' Cp. Liv. vii. 5.

b. **mihi usu venit,** 'I have experienced.'

c. **inveniebat . . . reperire.** There is no distinction intended between these two words. 'Reperire' is substituted in the second clause merely for variety.

d. **infirmem,** 'disprove.' It is the opposite of 'confirmare,' which has just been used. In the De Inventione 'confirmatio' and 'infirmatio' are used severally for 'proof' and 'disproof.'

a. **fructuosa,** 'productive'; to be distinguished from 'fertilis.' § **43.** See Tusc. Disp. II, § 13—'ager quamvis fertilis sine cultura fructuosus esse non potest.' Cp. § 20 *f.*

b. **colenda ac tuenda,** 'to cultivate and look after.'

c. **Patres familias.** The sing. of the second word was usual in earlier Latin. Varro (L. L. viii, § 73) mentions the use of the pl. as a peculiarity of Sisenna's; but by the time of Justinian it had become habitual. The singular 'familias' must be taken distributively with 'patres.' The word 'paterfamilias,' which has practically become English, is one of the oldest in the Latin language, as is shown by the retention of the early genitive termination in -s, common to Greek and Latin. With 'familia,' 'familias' cp. *φιλία, φιλίας.*

d. **municipiis rusticanis,** 'country towns.' The word 'rusticanus' (cp. §§ 44, 75, 120) appears to be peculiar to Cicero in the classical period of Latin. St. Jerome uses it, e.g. Epist. Sel. iv. 24 (ed. Hurter).

a. **ad villam.** 'Ad villam' is not the same thing as 'in villa'; § **44.** but the 'ad' is used in much the same sense as our 'at.' When we say 'he is at his country house,' we do not necessarily imply that he is in it. With this use of 'ad' may be compared 'ad saxa' in § 72, 'ad regiam' Pro Mil. § 37, 'pugna ad Cannas, ad Trasumenum,' etc., and perhaps the expressions, 'ad iudicem,' 'ad arbitrum,' e.g. Pro Q. Rosc. Com. § 12—'quis umquam ad arbitrum, quantum petiit tantum abstulit?' and in the next section—'ceteri cum ad iudicem causam labefactari animadvertunt,' though here the 'ad' may be a reminiscence of an original 'adire' or 'venire.' Asconius is clearly wrong in his interpretation of 'ad urbem' in Verr. i, § 45—'Cn. Pompeius, cum primum concionem ad urbem consul designatus habuit.' He there explains it by 'in urbe,' whereas 'outside the city' would be nearer the truth. Pompey was then awaiting his triumph, and could not enter.

'Ad' is also used for 'at the house of,' like the French 'chez,' e.g. Cat. I, § 19—'ad M' Lepidum te habitare velle dixisti.'

b. **praediis . . . fundis.** There is no antithesis between these

two words. We may render the first of them 'farms,' and the second 'estates.' They are used quite interchangeably in this speech. Cp. for instance § 99 with §§ 17, 21. For the legal meaning of 'fundus' see § 20 *d*.

c. **frui.** As his 'peculium.' So long as he was in 'potestate patris' he had no more rights than a slave.

d. **a te.** Everywhere else in this speech we have the archaic form 'abs te.' Cp. § 95 *b*.

e. **rusticana.** To be taken with 'relegatio.' In §§ 48, 75 'life in the country' is expressed by 'vita rustica.'

§ 45. *a*. **Neque haec tu non intelligis,** 'and it is not that you do not understand these things.' Cicero here compliments the intelligence of Erucius at the expense of his honesty. In the 2nd Philippic (§ 19) he acquits Antony of audacity and impudence at the expense of his intelligence—'haec tu non propter audaciam dicis tam impudenter, sed quia tantam rerum repugnantiam non vides.'

b. **ut non modo tibi contra nos,** etc. Cp. Phil. II, § 18—'tam autem eras excors, ut tota in oratione tua tecum ipse pugnares . . . ut non tanta mecum, quanta tibi tecum esset contentio.' Cicero never uses 'contradicere' as one word, but the 'contra' and the 'dicere' sometimes come together, as in De Inv. I, § 25.

c. **At enim,** 'but you will tell me' = ἀλλὰ γάρ.

d. **dimittebat.** 'Dimittere' is voluntarily to let go. St. Augustine finely says, addressing the Deity (Conf. iv. 9)—'Te nemo amittit, nisi qui dimittit.'

e. **patiebatur.** The word is perhaps chosen to imply that life in the country was the choice of the younger Roscius.

f. **hoc.** Used here of something that the speaker has in his mind. A thing that is about to be mentioned is usually expressed by 'illud,' as in § 47—'cum et illud incertum sit.' Cp. § 4 *a*.

g. **in bonam partem accipias.** Cp. Pro Arch. § 32. The meaning is fairly reflected by our own phrase, 'to take in good part.'

§ 46. *a*. **certo,** 'whom you can identify.' Cp. De Div. I, § 2, where Cicero is speaking of uncivilised man—'non certos quisquam aspexerat liberos.'

b. **humanitatis non parum,** 'your full share of human feeling.' Here opposed to **studium doctrinae,** with which it is so often identified, e. g. in § 121.

c. **accessit.** Perfect. Cp. § 5 *c*.

d. **Caecilianus,** 'in Caecilius.' Caecilius Statius, a comic poet, the predecessor and patron of Terence. He died in B.C. 168. Cicero

is inclined to assign him the palm for comedy (De Opt. Gen. Or. § 2). Volcatius Sedigitus (Aul. Gell. xv. 24) peremptorily settles the question—

'Caecilio palmam Statio do comico,
Plautus secundus facile exsuperat ceteros.'

e. **Eutychus.** Greek Εὔτυχος, instead of the more usual Εὐτυχής. The same form occurs in the Acts of the Apostles, xx. 9.

f. **Chaerestratus.** A play of Caecilius is quoted by Festus (p. 174) under the title of Hypobolimaeus Chaerestratus. It may be the one that Cicero has in view. There was a play of Meander called the Hypobolimaeus or the 'Suppositititious Son.' Quint. I. 10, § 18.

g. **hoc nomine.** Descriptive ablative.

a. **ne longius abeam,** 'without going further afield.' § 47.

b. **tribulis,** 'fellow-townsmen,' like 'civis' for 'concivis.' Cp. the use of 'municeps' in §§ 87, 105. Cicero, as a native of Arpinum, would belong to the 'tribus Cornelia.' See Liv. XXXVIII. 36—'Rogatio perlata est, ut in Aemilia tribu Formiani et Fundani, in Cornelia Arpinates ferrent.'

c. **agricolas adsiduos,** 'attentive to their farms.' Cp. § 67 *d.*

d. **cum et.** Three coordinate clauses follow on 'cum,' each introduced by 'et.' The first explains 'odiosum'; the other two refer to the sense rather than the words of the principal clause, as though Cicero had said 'I will not mention names.'

e. **vobis.** Referring to the audience generally.

f. **magis notus.** For the form of the comparative cp. 'magis occulta' Verr. Div. § 33. When a participle comes into common use, it is treated as an adjective and compared. This is the case even with a pres. participle, e.g. 'amans,' 'amantior,' 'amantissimus'; 'egens,' 'egentior,' 'egentissimus.'

g. **comicum,** 'in the comedy.' So Caecilius in his Epiclerus, as quoted by Cicero De Amic. § 99; cp. De Sen. § 36—

'Ut me hodie ante omnis comicos stultos senes
versaris atque inluseris lautissime.'

'Tragicus' is used in the same way in Hor. De Arte Poet. 95.

h. **ut effictos,** etc., 'that we might see our manners portrayed in the persons of others and a lively image of our daily life.' 'Expressus' is a metaphor from a work in high relief, like the 'stantem extra pocula caprum' of Juv. I. 76. With the use of it here we may compare Pro Q. Rosc. Com. § 20 ad fin.—'persona illa' (i.e. 'Ballionis,' a pander in the Pseudolus of Plautus) 'lutulenta, impura, invisa in istius moribus, natura vitaque est expressa' (wrought to the life).

§ 48. *a.* **sis.** A colloquial expression, contracted from 'si vis,' like 'sodes' from 'si audes' (Cic. Or. § 154). Cp. Pro Mil. § 60—'cave, sis, mentiare'; De Inv. I, § 51—'age sis,' inquit, and Livy XXIII. 47, § 6—'Minime, sis, inquit, cantherium in fossam.' It occurs frequently in the comedians, and the reference to Caecilius may have suggested it here. We find the pl. 'sultis' in Plautus.

b. **in his veteribus municipiis,** 'in the old townships which surround us,' i. e. those nearer to Rome than Ameria was. 'Hic' denotes proximity of some kind to the speaker. Cp. 'his moribus,' which indicates proximity in time.

c. **vitio et culpae dedisse,** 'turned what is the highest credit to Sextus Roscius into a fault and charge against him.' Cp. 40*f*. We have the same construction put absolutely below in 'probro et crimini . . . esse,' and followed by 'ad' in § 149 'ad dicendum impedimento est.'

d. **vestrum.** Subjective genitive, suggestive of the proposition, 'vos novistis.' 'Vestri' would be impossible here.

e. **quod . . . attinet,** 'as regards.'

f. **vitamque.** Notice the unusual combination of 'et' (before 'ipsi') and 'que,' which is perhaps due to the precedence of a pair of 'et' clauses.

§ 49. *a.* **Quid censes hunc,** etc. The subj. of the infin. clause which follows has become the obj. of the interrogative clause on which it depends. This constr. is regular in Greek, but rare in Latin. Landgraf traces the present instance to an extension of such colloquial forms as 'quid illum censes?' (Ter. And. 853). Cp. De Off. II, § 25—'quid enim censemus superiorem illum Dionysium quo cruciatu timoris angi solitum . . . ?'

b. **his.** From this we may infer that his relations were present in court. Cp. § 48 *b*.

c. **deponat licebit,** 'he may lay aside for the future.' King.

d. **obtinere.** See § 6 *l*.

e. **hoc vero est,** etc. 'But this is intolerable, that he has not only been brought into this calamity on account of the excellence and number of his farms, but also that the care with which he has cultivated them is to prove mostly to his hurt, for fear there should not be wretchedness enough in his having cultivated them for others instead of for himself, without his being accused for having cultivated them at all.'

§ 50. *a.* **Ne,** 'verily.' Sometimes spelt 'nae.' Mr. King says that in Cicero this adverb is always coupled with a pronoun.

b. **qui . . . fierent,** 'to be made.'

c. **qui . . . putes**, 'if you think.'

d. **agro colendo** = 'agri culturae.' The notion of necessity is not inherent in the gerundive, but arises out of the constr. of 'esse' with the infin., which so often accompanies it.

e. **flagitium**, 'a moral offence.' The word is thus distinguished from 'facinus' by St. Augustine (Conf. III. 8)—'Sed quae flagitia in te, qui non corrumperis? Aut quae adversus te facinora, cui noceri non potest?'

f. **Atilium.** C. Atilius Regulus Serranus, consul for the first time in B.C. 257. He must be distinguished from the still more famous C. Atilius Regulus, who attained the consulship ten years before him. The story of Serranus being found at the plough by a deputation from the senate is told with great unction by Valerius Maximus, IV. 4, § 5. Cp. Plin. N. H. xviii. 20. The Ancients derived the name 'Serranus' from 'serere,' a derivation which Vergil (Aen. VI. 844) has in view when he says—'te sulco, Serrane, serentem.' But it is possible that the story arose out of the name, and not the name out of the story. There was a town in Umbria called 'Saranum.'

g. **convenerunt.** 'Convenire aliquem' is a common constr., in spite of its grammatical irregularity. Cp. § 74 'ubi eos convenit?'

h. **hercule.** Ἡράκλεις.

i. **ceteris.** E. g. M' Curius Dentatus and L. Quinctius Cincinnatus. See De Sen. §§ 55, 56.

j. **suos enim agros**, etc. The spread of the Roman empire was certainly not due to agriculture: but what Cicero means is that it was helped on by the absence of domestic feuds which enabled the Romans to combine against foreigners. There is perhaps a reference intended to the quartering of Sulla's soldiers over Italy.

§ 51.

a. **eo . . . quo**, 'on the ground that.'

b. **illud.** See 4 *a*.

c. **summi viri clarissimique homines.** 'Homo' is a human being, as opposed to a god, or a beast; 'vir' is a man, as opposed to a woman, and so it is often used with special reference to conduct in public life. Cp. Pro Q. Rosc. Com. § 19—'et virum optimum et hominem improbissimum esse diceres;' Ver. Div. § 56—'quaestori Caecilio, viro optimo et homini aequissimo;' Verr. ii. I, § 67—'iactatur domi suae vir primarius et homo honestissimus;' Paradox, § 16—'C. vero Marium vidimus, qui mihi secundis rebus unus ex fortunatis hominibus, adversis unus ex summis viris videbatur.'

d. **gubernacula.** In the metaphorical sense the pl. is usual. Cp.

De Inv. I, § 4—'cum ad gubernacula reipublicae temerarii atque audaces homines accesserant.'

e. **cum ruri adsiduus**, etc. To be taken closely with **esse rusticum**, 'in that he has always stuck close to the country.' The clause with 'cum . . . esset' is on a different footing, and assigns a reason for 'ignosci oportere.'

f. **cum praesertim.** See § 22 *d*.

§ 52. *a.* **istum.** Now that we have passed for the moment to the opponent's point of view, the defendant becomes 'iste.'

b. **exheredare.** Long points out that according to Roman law it was not enough for a father merely to pass over his son's name in silence; he had expressly to disinherit him, else the will was invalid. For the infin. after 'in animo habebat' cp. § 91 'in animo est . . . transire.'

c. **Audio.** A formula of sarcastic acceptance. We would rather say 'I see'; and Cicero himself uses 'video' in the same sense in Verr. ii. v, § 69. Cp. Ter. Phorm. 160.

d. **illa**, 'the following reasons.' Referring to the sentences 'convivia cum patre non inibat' and 'domum suam,' etc. The pronoun 'ille,' being of the 3rd person, denotes a circumstance remote from the speaker. When understood of time, this remoteness may be either in the future or in the past; and so 'ille' refers sometimes to what is about to be mentioned, and sometimes to what has been mentioned previously. For the anticipatory use of 'ille' cp. §§ 4, 47, 75, 86, 103.

e. **Quippe.** 'Naturally.' Cp. Pro Mil. § 47.

f. **ne in oppidum quidem.** Not even to Ameria, much less to Rome. Cp. § 74 ad fin. 'Oppidum' was commonly used of country towns, while 'urbs' was reserved for the capital.

g. **non fere quisquam.** More emphatic than 'nemo fere.'

h. **qui . . . viveret.** When the relative gives a reason, it is constructed with the subjunctive.

i. **revocaturus**, 'likely to ask him back.' 'Revocare' is used in the same way in Phaedrus' rendering of the fable of the fox and the stork (i. 26. 7)—'Quae vulpem quum revocasset,' and in Martial, Epig. III. 27—

'Nunquam me revocas, venias quum saepe rogatus.'

j. **haec . . . illud.** Notice how the circumstances have changed place. What was before 'illa' has now become 'haec,' having just been mentioned, and what was introduced by 'nunc,' the temporal equivalent to the pronoun 'hic,' is now referred to as 'illud.'

§ 53. *a.* **Mitto quaerere.** Equivalent to 'non quaero,' as the impera-

tive 'mitte quaerere' is equivalent to 'ne quaeras' or 'ne quaesieris.'

b. **qua de causa**, 'what his motive was.' See § 61 *c.*

c. **qui . . . argueret.** Generic. See § 37 *d.*

d. **potuerit.** The perfect regards the thing as a matter of fact. Assuming that the father had been able to surmount natural feeling, it was required to explain how he had been able.

e. **animum inducere**, 'bring himself to.' Cp. Ep. ad Att. iii. 9, § 1—'animum inducere non potui, ut . . . amantissimum mei . . . tanto in maerore aspicerem.' The usual constr. is with the infin. The acc. 'animum' is governed by the 'in' in 'inducere.' Cp. Ter. Haut. Prol. 41—

'Mea causa causam hanc iustam esse animum inducite.'

f. **eiceret ex animo.** Cp. Ter. Haut. 955—

'Itane tandem quaeso est, Menedeme, ut pater
tam in brevi spatio omnem de me eiecerit animum patris?'

a. **ea**, i. e. the 'vitia atque peccata.' **§ 54.**

b. **quae . . . concedis**, 'the insignificance of which you admit by your silence.'

c. **illud.** See § 52 *d.*

d. **ut ne.** See § 5 *d.*

e. **Non.** Supply 'exheredavit.' This use shows us how 'no' arose. Cp. Q. Rosc. Com. § 41—'addictus erat tibi? "non."'

f. **Quid est aliud . . . nisi.** A favourite formula with Cicero. 'What is this sort of accusation, &c., but an abuse of the bench?' Cp. De Sen. § 5—'quid est enim aliud Gigantum modo bellare cum dis nisi naturae repugnare?' In expressing by a question the synonymous nature of two propositions we in English generally put the one under immediate consideration first: the Romans, as often as not, chose the opposite course. The sentence just quoted naturally falls into English thus—'For what is opposition to nature but a Titan-like contention with heaven?'

g. **maiestate vestra**, 'your worships.' The majesty of the state was resident in the persons of the judges.

h. **libidinem**, 'self-gratification.'

a. **quin**='qui non,' being the relative followed by the old negative 'ne.' **§ 55.**

b. **inimicitias.** See § 17 *a.* To have had a quarrel with a fellow-citizen was regarded as a justification for undertaking the invidious office of accuser. Cicero maintained in his Divinatio (§ 64) that the interests of the state were a far higher justification.

c. **venias.** A technical use, like that of our word 'appear.' Cp.

§ 72; Pro Q. Rosc. Com. § 18—'quid tu, Saturi, qui contra hunc venis'; also Phil. II, § 3.

d. **Ita tamen . . . ut**, etc. 'However desirous of gain you may be, still you ought to have thought that the opinion of these men and the Remmian law ought to count for something.' For this use of 'ita . . . ut' cp. below, 'ita est utile, ut,' etc., and §§ 2, 4, 72, 73, 95, 124, 125, 129 ad in., 148 ad fin.; Phil. II, § 85—'ita eras Lupercus, ut te consulem esse meminisse deberes,' and Cicero passim.

e. **horum existimationem**, 'what these men think of you'—subjective genitive; not 'what people think of these men'—objective genitive. So in Verr. ii. I, § 87—'si te magnitudo maleficii, si hominum existimatio' (the opinion of the world) 'non movebat'; and again in § 93—'en memoriam mortui sodalis, en metum vivorum existimationis.'

f. **legem Remmiam.** This was a law by which a penalty was instituted, if an accuser failed to establish his charge. Scholiast. Cp. Digest XLVIII. 16, §§ 1, 2—'Calumniatoribus poena lege Remmia irrogatur;' cp. XXII. 5, § 13.

g. **ita est utile, ut**, 'is of service only under the condition that.' See note above, 'ita tamen . . . ut,' etc.

h. **ut ne.** See § 5 *d*. The combination of both particles occurs specially, as here, after 'ita.' Cp. Pro Q. § 85—'ita possideto, ut Quinctio vis ne adferatur.' It is possible to explain it by an ellipse, as = 'ut caveatur ne.'

i. **quispiam.** ὁ δεῖνα, 'so and so.'

j. **abest a culpa.** Cp. § 94—'longe absum ab eiusmodi crimine.'

k. **criminose ac suspitiose**, 'so as to justify a charge and raise suspicion.' Cp. § 76. Cicero deemed this faculty compatible with very meagre abilities. See Brut. § 131—'Non fecissem hominis paene infimi mentionem, nisi iudicarem qui suspitiotius aut criminosius diceret audivisse me neminem.'

l. **ludificari.** In Pro Q. § 54 we have the act. form 'ludificare.'

m. **calumniari**, 'to bring a false accusation.' Digest XLVIII. 16, § 1—'Calumniari est falsa crimina intendere.' Cp. Verr. ii. I. 27 ad fin.—'calumniatores ex sinu suo apposuit.'

§ 56. *a.* **utilius est**, etc. The sentiment is—'It is less detrimental to the state that innocent men should be brought to trial than that the guilty should not.' This is so only on condition of the innocent being acquitted, so that 'absolvi' is substituted for 'causam dicere,' which it implies. It must be remembered that there was no such thing as a public prosecutor under the Roman Republic.

b. **Anseribus . . . locantur,** 'public contracts are made for the feeding of the geese.' It was the duty of the censors to make these contracts, Plin. N. H. X. 51. See the story in Livy V. 47 of how the Capitol was saved by the sacred geese of Juno, B.C. 390.

c. **at.** Anticipating an objection—'but you will say.'

d. **crura suffringantur.** The mutilation of the lower animals is revolting to our ideas. But this form of punishment was sometimes extended to human beings. A man whose legs had thus been broken was called 'crurifragius,' Plaut. Poen. iv. 2. 64.

e. **quod acres sint,** 'for being on the alert.' In the subjunctive, because not stated as a fact, but as an idea.

a. **Simillima . . . ratio.** 'The case is very much the same with accusers.' § 57.

b. **maxime . . . deinde.** Like the Greek *μάλιστα μέν . . . εἰ δὲ μή*, 'in the first instance . . . failing that.'

c. **commisisse.** Used absolutely.

d. **latratote.** See § 18 *g*.

e. **agetis . . . adfigent.** Two contemporaneous events in the future, cp. § 10 *b*. 'Agetis' is strictly an imperfect future, 'shall be dealing.'

f. **litteram illam.** The words of Cicero suggest the inference that false accusers were branded with the letter K, standing for 'calumniator,' but there is no trace to be found of any such custom. The Scholiast explains the K as standing for 'condemno:' in case of acquittal A would be used, for 'absolvo.' The allusion to the Kalends, for which K would also stand, is a hit at the impecuniosity of men like Erucius, as interest was paid on the first of the month. There is probably a 'double entendre' in the words 'ad caput adfigent'—(1) attach to your status, (2) clap on to your heads. Altogether the passage is one of the 'quaedam paulo hilariora,' to which Cicero alludes in his Orator (§ 108).

g. **vos.** Referring to the class of professional accusers.

h. **omnis.** Acc. with 'Kalendas.'

i. **fortunas.** In this sense of 'luck' the plural is not so common as when the word means 'wealth.' See § 7 *c*. For a parallel to the present use take Pro Q. § 64 'ei misero, absenti, ignaro fortunarum suarum,' where the last words recall the 'ignarum casus sui' of this speech, § 98.

j. **accusare possitis.** Digest XLVIII. 2, § 4—'sed et calumnia notatis ius accusandi ademptum est.'

a. **Audio.** See § 52 *c*. We may render it here 'Indeed.' § 58.

b. **Nihil est.** Colloquial—'it's no good.' Cp. Ter. Haut. 676—'quid si hoc nunc sic incipiam? nil est.'

c. **non.** Supply 'planum facis.'

d. **quicum** = 'cum quo.'

e. **vobis.** Erucius and his side generally.

f. **in istam fraudem,** 'into your present predicament.'

g. **mehercules.** Cp. § 141. Cicero tells us in his Orator (§ 157) that he prefers the form 'mehercule' to 'mehercules.'

§ 59. *a.* **in hisce subselliis.** The part of the court occupied by the defendant's 'advocati.'

b. **quaesisse.** Supply 'eum.' It is not uncommon to find the subject thus omitted. Take for instance Verr. Div. § 59—'nisi forte illud, quod te dicturum esse audio, quaestorem illius fuisse,' and again Act. i. § 23—'hic alios negasse audere, alios respondisse non putare id perfici posse.' Cp. § 84 *c*.

c. **ille aut ille,** 'so and so or so and so.' In these combinations the pronoun is usually varied. But cp. De Inv. I, § 99—'quid possitis dicere, cum vobis hoc et hoc sit demonstratum?'

d. **causam publicam.** The first extant speech of Cicero, the Pro Quinctio, was delivered a year before this, B.C. 81; and it appears from the opening of that oration that Cicero was already a practised advocate. All the cases however in which he had been engaged up to now were 'causae privatae,' which touched only individual interests. The present case was a 'causa publica,' because murder was an offence against the state. It was open to anyone to prosecute in a 'publicum iudicium.' See Justinian, Inst. IV. 18, § 1—'Publica autem dicta sunt (i.e. iudicia), quod cuivis ex populo exsecutio eorum plerumque datur.' See also Digest I. 1, §§ 1, 2, on the distinction between 'publicum' and 'privatum ius'—'Publicum ius est quod ad statum rei Romanae spectat, privatum quod ad singulorum utilitatem.'

e. **dixerim.** This is midway between 'dixissem' and 'dixi.' 'Dixissem' would be purely subjective, representing only what Erucius thought; 'dixi' would be purely objective, stating a downright fact. 'Dixerim' subscribes the assent of the speaker to what the person spoken of thought.

f. **vestro consessu,** etc. By this touch Cicero seeks to inflame the self-love alike of the judges and of the audience against Erucius.

§ 60. *a.* **Usque eo . . . ante quam.** A mixture of two constructions,

(1) 'usque eo eum iocari, dum;'

(2) 'antea eum iocari, quam.'

b. **alias res agere**, 'to be careless.' Cp. Brut. § 233—'ut mirarere tam alias res agere populum ut esset insano inter disertos locus.' He is talking of Fimbria. See § 33*b*. The opposite is 'hoc agere,' 'to attend to the thing in hand.'

c. **pupugisset**. The metaphor is probably from an ox-goad, with which slaves were sometimes admonished. Cp. Phil. II, § 86—'num exspectas dum te stimulis fodiamus?'

d. **vexari pessime**, 'were being roughly handled.'

a. **tuam illam**. Where a possessive and a demonstrative pronoun are used of the same person or thing, Cicero often puts the possessive pronoun first. Cp. § 101 'suum illud;' § 104 'vestra ista;' § 139 'nostri isti;' Cat. I, § 16 'quae tua est ista vita?' § 61.

b. **ea spe . . . quod putares**, 'in the expectation that.' 'Quod putares' only serves to explain 'ea spe.'

c. **ratio ab accusatore**, etc., 'no theory has been offered by the prosecutor as to the son's motive for killing his father.' The necessity of proving a motive was a fundamental axiom of legal argument. It is part of the wider assumption, which underlies all reasoning, that no event takes place without a cause. De Inv. II, § 19—'hic locus sicut aliquod fundamentum est huius constitutionis (i.e. coniecturalis), nam nihil factum esse cuiquam probatur, nisi aliquid, qua re factum sit, ostenditur.'

a. **noxiis**, 'trespasses.' An old legal term. Landgraf says that Cicero uses it only here in the speeches. § 62.

b. **his**, 'with which we are all acquainted.' Cp. § 134 'hasce artes vulgares.'

c. **peccatis**, 'misdemeanours.'

d. **magis crebra**. 'Crebriora,' it would seem, was unpleasing to the Roman ear. We may gather this from the frequent change of 'increbrescere' into 'increbescere.'

e. **in quo scelere**, 'a crime in which.' So in § 27 'in qua muliere,' 'a woman in whom.' The guilt of parricide was one of the recognised commonplaces of rhetoric. Cicero says (De Inv. II, § 48), that it should not be brought in till the charge is established. But there he is thinking of the accuser: here he is availing himself of the topic in order to show that the gigantic nature of the guilt makes the unproved ascription of it ridiculous.

f. **convenisse unum in locum**, 'to coincide.'

g. **congruĕre**. In Ter. Haut. 511 we have 'congruēre.' For the 'g' cp. 'ingruo.'

h. **testis incertus**, 'a doubtful witness.' For the opposite notion

conveyed by 'certus,' see Pro Q. § 11—'officia certi patris familias,' i.e. one with an established position.

i. **cum multa,** etc. The 'cum' is rhetorically repeated before we come to its answering 'tum.' 'Not only the commission of many previous crimes, not only a most abandoned life on the person's part, but also, etc.' Cp. Verr. ii, I, § 41 ad fin. Sometimes it is the 'tum' that is repeated, as in § 151 of the same.

j. **expressa.** This may be taken with 'exstent'—'should stand out clear.' On 'expressus,' see § 47 *h*.

k. **sceleris vestigia.** The external presumptions of guilt, as opposed to the internal which have been mentioned.

l. **admissum,** 'committed.' The full form of the phrase is 'admittere in se maleficium.'

§ 63. *a.* **reclamitat.** *ἅπαξ εἰρημένον.*

b. **esse aliquem,** 'that there should exist a being.' 'Esse quemquam' would imply that such a being did not exist, not merely that its existence was a prodigy.

c. **propter quos,** 'owing to whom.' 'Propter' here denotes the efficient cause. Cp. § 16; Pro Q. § 70—'Alfenus cum eis et propter eos periit, quos diligebat;' Pro Mil. § 93. Contrast its use below in § 64.

d. **indignissime,** 'most ungratefully.'

e. **conciliet.** The verb is made to agree only with the last of the three subjects. It cannot here be said that the several words constitute one idea.

§ 64. *a.* **Non ita multis,** etc. Like the English 'not so many years ago.' Cp. § 78 'neque ita multo post;' Pro Q. § 14—'neque ita commode posset rationem reddere;' Phil. II, § 108—'erant fortasse gladii, sed absconditi nec ita multi.'

b. **T. Caelium.** Valerius Maximus (viii. 1, § 13) tells the story after Cicero, as he did that of Fimbria (§ 33).

c. **Tarracinensem.** Tarracina was a town in Latium earlier known as Anxur. The pl. of the name was also used. Liv. IV. 59—'Anxur fuit, quae nunc Tarracinae sunt.'

d. **cenatus.** 'Ceno,' 'prandeo,' 'poto' are instances of verbs which are deponent only in their participles.

e. **servus quisquam.** 'Quisquam' is substantive, 'servus,' adjective, cp. § 74 *g*.

f. **id aetatis,** 'of such an age,' referring to the word 'adulescentibus.' If they were children, they might have been supposed capable of sleeping through anything. For the form of expression, cp. 'id temporis' § 97 ad fin.

g. **propter,** 'hard by.' Adverbial form from 'prope.' Cp. 'in-ter,' 'sub-ter,' etc. De Inv. II, § 14—'gladium propter appositum.'

h. **nomina . . . delata sunt.** See § 28 *c.*

i. **quemquam.** See § 8 *f.*

a. **non modo.** Here equivalent to 'non modo non.' This is usual when the predicate is common to the two clauses, and not expressed until the last. Contrast with the present passage the words in § 137—'et id non modo re prohibere non licet, sed ne verbis quidem vituperare.' The same meaning might be expressed without 'non' by reserving 'licet' to the end—'et id non modo re prohibere, sed ne verbis quidem vituperare licet.' Here the negative contained in 'ne . . . quidem' would reflect its force back upon the preceding clause. Cp. the use of *οὐχ ὅπως* in Greek. Neither 'non solum' nor *οὐ μόνον* can be used in the same way. For another pair of examples take Verr. ii. I, § 90, as contrasted with § 111. § 65.

a. **Videtisne.** See § 34 *a.* Occasionally we find 'ne' used where there is a distinct anticipation of an affirmative answer. De Sen. § 31—'videtisne ut apud Homerum saepissime Nestor de virtutibus suis praedicet?' A strong instance is Pro Mil. § 38, where we have to render the repeated 'potuitne' by 'could he not?' § 66.

b. **quos nobis.** Orestes and Alcmaeon. The story of Orestes forms the subject of the trilogy of Aeschylus and of the play of Euripides called by his name. There is no tragedy extant on the subject of Alcmaeon; but we know that he was the hero of a lost play of Euripides (Arist. Eth. Nic. III. (1), § 8). It would be through Roman adaptations of Greek plays by Ennius, Accius, or Pacuvius, that the audience whom Cicero is addressing would be familiar with Orestes and Alcmaeon. Such a subject for spectacular effect as the blazing torches of the Furies (§ 67) is not likely to have escaped the Romans. We know that Ennius wrote a tragedy called Alcmaeon, and one of the most celebrated of the tragedies of Pacuvius was entitled the Dulorestes. Accius was especially devoted to the imitation of Aeschylus, and may therefore have had a play on the same subject.

c. **patris ulciscendi causa.** The following are two lines of the Alcmaeon of Euripides, preserved by Aspasius in his commentary on the Nicomachean Ethics—

μάλιστα μὲν μ' ἐπῆρ' ἐπισκήψας πατήρ,
ὅθ' ἅρματ' εἰσέβαινον εἰς Θήβας ἰών.

d. **cum praesertim,** 'and that too though.' Cp. § 22 *d.*

e. **ut**, 'how.'

f. **pii**, 'dutiful.' Cp. 'pietas' § 37.

g. **summus furor atque amentia.** The same phrase occurred in § 62.

§ 67. *a.* **Nolite enim putare**, etc. This splendid passage on the power of conscience may be compared with Juvenal XIII. 192–8 and 220–8. It was reproduced by Cicero in a later speech, In Pisonem, § 46—'nolite enim ita putare, patres conscripti, ut in scena videtis, homines conscelerates impulsu deorum terreri furialibus taedis ardentibus: sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat; hae sunt impiorum furiae, hae flammae, hae faces.' And to the same effect are the words in De Leg. I, § 40. Suetonius says of Nero (ch. 34) that his conscience was never at ease after his attempt on his mother's life—'saepe confessus, exagitari se materna specie verberibus Furiarum ac taedis ardentibus.' Cp. Lucr. III. 1018, and Lucan VII. 778–785.

b. **fraus.** Here = 'sin.'

c. **conscientiaeque animi**, 'and stings of conscience,' lit. consciences of heart. For the pl. cp. Paradox. § 18—'te conscientiae stimulant maleficiorum tuorum.'

d. **hae . . . Furiae**, 'these are the Furies that never leave the hearth of the wicked.' 'Adsiduus' contains the notion of sticking close to. For the use of the word cp. § 18 'adsiduus in praediis;' § 47 'agricolas adsiduos esse;' also §§ 81, 92, 94.

e. **quae . . . repetant.** The subjunctive here seems to denote purpose, 'to exact.' It might be explained as representing the popular idea of Furies, 'which are supposed to exact.'

f. **parentum poenas**, 'satisfaction for parents.' So Verg. Aen. IX. 422—

> 'Tu tamen interea calido mihi sanguine poenas
> Persolves amborum.'

§ 68. *a.* **manifestum.** We may say here 'self-evident.' The term was specially used of theft. Aulus Gellius, N. A. XI. 18—'Manifestum autem furtum est, ut ait Massurius, quod deprehenditur dum fit.' The Greeks expressed this by *ἐπ' αὐτοφώρῳ*: cp. Just. Inst. IV. 1. § 3. It appears from Suetonius (Octav. 33) that the punishment of the sack was not administered, except when the criminal confessed his guilt.

b. **praerupta.** The metaphor is the same as in the Greek word *ἀποτόμος* (for which see Eur. Alc. 981). That however means 'stern, relentless;' this seems rather to mean 'headlong, preci-

pitate.' Perhaps we have the same sense in Tac. Ann. XVI. 7—'iuvenem animo praeruptum.'

c. **acerbum,** 'unnatural.' The idea underlying the word is that of an unripe fuit. Nature, in the ancient sense, is the perfection of a thing's being. Not the sour crab, but the wonder of the Hesperides, is the natural apple.

a. **in impios,** 'for the undutiful.' Cp. § 66 *f.* § 69.

a. **ea.** In contrast with other states and nations that held empire. § 70. Cp. § 41 *c.*

b. **rerum potita est.** Here 'potior' means 'to be in possession of.' Cp. Tac. Ann. II. 42—'Rex Archelaus quinquagesimum annum Cappadocia potiebatur.'

c. **hodie quoque.** Athens, as a free city, was allowed to retain its own institutions under the Roman empire.

d. **scripsit.** The use of the indic. shows that the words from 'eum, qui' onwards are an explanatory comment of Cicero's own.

e. **is cum interrogaretur.** The same story is told by Diogenes Laertius (Solon, § 59).

f. **Sapienter.** Herodotus (I. 137) praises the wisdom of the Persians in not admitting the possibility of parricide. They maintained that in all supposed cases it would be found on investigation that the child was either suppositious or born in adultery. Seneca complained that the crime of parricide had increased after the imposition (or revival) of the penalty. He tells Nero (De Clem. I. 23) that his father (i.e. Claudius who adopted him) had used the penalty of the sack more often within five years than had been recorded in all previous ages, and goes on to say—'Summa enim prudentia altissimi viri et rerum naturae peritissimi maluerunt, velut incredibile scelus, et ultra audaciam positum praeterire, quam, dum vindicant, ostendere posse fieri.'

g. **admonere,** 'to suggest.' Pro Tull. § 9—'non tam prohibere videretur quam admonere;' De Dom. § 127—'non tam deterrere videretur quam admonere.'

h. **sapientius.** Supply 'fecerunt' from 'fecisse' above.

i. **aliquando.** According to Plutarch (Romul. 22) six hundred years elapsed after the founding of the city before any case of parricide occurred. The first perpetrator of the crime was L. Hostius shortly after the Second Punic War. The first case on record of the punishment of the sack being employed is that of Publicius Malleolus, about B.C. 101, who killed his mother (Liv. Epit. 68).

j. **potuisset.** Notice the tense. Were it not for a previous

failure of nature, there would have been no room for the terrors of the law.

k. **summoverentur,** 'warned off.' The metaphor is from the lictor telling the people to 'move on.'

l. **insui . . . in culeum.** The punishment of parricides is thus described by Modestinus (Digest, XLVIII. 9, § 9)—'Poena parricidii more maiorum haec instituta est, ut parricida virgis sanguineis verberatus deinde culleo insuatur cum cane, gallo gallinaceo et vipera et simia; deinde in mare profundum culleus iactatur'—that is to say, the parricide was to be beaten with blood-red rods, and then sewn up in a sack along with a dog, a cock, a viper, and a monkey, after which he was flung into the depths of the sea. Cp. Juv. VIII. 212–14—

> 'Neroni,
> cuius supplicio non debuit una parari
> simia nec serpens unus nec culleus unus;'

and Seneca, De Clem. I. 15—'non culleum, non serpentes, non carcerem decrevit.'

Further details as to the punishment of the sack may be gathered from the De Inventione (II, § 149; cp. Ad H. I, § 23). Immediately on conviction the criminal's head was tied up in a bag made of wolf-skin, and wooden shoes were put on his feet, in which guise he was carried off to prison, to be kept there until the sack was ready, in which he was to be thrown into running water. From the silence of Cicero it may perhaps be inferred that he knew nothing about the animals which were made to share the parricide's doom. It would appear that this part of the penalty was first enacted by the Lex Pompeia de parricidiis (Just. Inst. IV. 18, § 6).

§ 71. *a.* **ex rerum natura.** Consisting, as it was supposed, of the four elements, earth, air, fire, and water, which are mentioned immediately afterwards. So in the Institutes of Justinian (IV. 18, § 6) it is said—'ut omni elementorum usu vivus carere incipiat et ei caelum superstiti, terra mortuo auferatur.'

b. **unde.** Often thus used of persons. Cp. Hor. Carm. I. xxviii. 27–29—

> 'multaque merces
> unde potest tibi defluat aequo
> ab Jove.'

c. **feris corpus obicere.** In the time of Hadrian it was enacted that the parricide was to be thrown to the beasts, if the sea were distant, Dig. XLVIII. 8, § 9.

d. **tantum scelus,** 'so guilty a thing.' Abstract for concrete.

e. **non . . . deicere.** Supply 'voluerunt' from 'noluerunt' above.

f. **sic nudos,** 'naked as they were.' Halm quotes Livy II. 10 ad fin.—'Ita sic armatus in Tiberim desiluit.'

g. **mare . . . polluerent.** Cp. the expression of the same thought in Shakespeare's Macbeth (Act ii. sc. 2)—

'Will all great Neptune's ocean wash this blood
Clean from my hand? No; this my hand will rather
The multitudinous seas incarnadine,
Making the green—one red.'

h. **expiari,** 'to be cleansed.' Eur. Iph. in Taur. 1193—

θάλασσα κλύζει πάντα τἀνθρώπων κακά.

Ovid in his Fasti derides the notion of purification by water—

'Heu miseras gentes, qui tristia crimina caedis
fluminea tolli posse putatis aqua!'

§ 72. *a.* **Etenim quid est,** etc. On this passage see Introd. § 29.

b. **fluctuantibus,** 'to the wave-tossed.'

c. **Ita vivunt . . . ut,** etc., 'they live while they can, without being able.' Cp. § 55 *d.*

d. **ad saxa.** This might be explained as a pregnant construction —'to come to the rocks and find rest there.' But probably it is an instance of that use of 'ad' in which it simply indicates the whereabouts of a thing, so that we may translate 'on the rocks,' cp. § 44 *a.*

e. **crimen,** 'charge.'

f. **diligentius paratiusque venisses,** 'you ought to have studied your case more carefully before you appeared.' Cicero wishes to impress upon the judges that Erucius was treating them like a parcel of old women. For 'paratius' cp. Phil. II, § 79—'invectus est copiosius multo in istum et paratius Dolabella quam nunc ego.' 'Venisses' is not the conditional, but the 'jussive conjunctive.'

§ 73. *a.* **quid agatur,** 'what the case is.'

b. **admittere.** See § 62 *l.*

c. **Esto,** 'Let that pass.' A formula of transition.

d. **sic tecum agam.** It seems to be only to avoid monotony that 'sic' is used here in place of 'ita.'

e. **meo loco.** Cp. Verr. ii. I, § 25—'de meis legitimis horis.' It is like the *ἐν τῷ ἐμῷ ὕδατι* of the Greek orators (e. g. Dem. de Cor. p. 274).

§ 74. *a.* **Si ipsum arguis.** Supply 'percussisse.'

b. **servosne.** Supply 'per' from the **per alios** preceding. So in the case of 'quos homines?'

c. **Indidemne Ameria,** 'from the spot at Ameria?' In English

we think it sufficient to indicate motion once, § 20 *b*. This is said to be the only passage where Cicero uses 'indidem.'

d. **multis annis.** This is not a case of duration of time, but of time within which. We have duration of time in the 'plus' which follows. With the use of the abl. here cp. the opening of the Second Philippic—'ut nemo his annis viginti reipublicae fuerit hostis.'

e. **Ubi eos convenit?** See § 50 *g*.

f. **Nonne . . . solet?** 'Is it not thus that it is usual for a crime to be traced to its source?'

g. **homine quoquam.** Cp. § 94 'quemquam sicarium.' Halm says that 'quisquam' is never used adjectively except with names of persons, whether singular or collective.

h. **in oppido.** See § 52 *f*.

§ 75. *a*. **praetereo.** We have here an instance of the rhetorical device called 'occultatio,' described in the treatise ad Herennium, § 37—'Occultatio est, cum dicimus nos praeterire aut non scire aut nolle dicere id quod tunc maxime dicimus.'

b. **victu arido,** 'plain living.' Cp. Pro Q. § 93—'contra sibi ait officium, fidem, diligentiam, vitam omnino semper horridam atque aridam cordi fuisse.'

c. **luxuries . . . luxuria.** See § 39 *c*. Notice how in each clause a word is repeated from the preceding one before the next word of importance is introduced. This is the figure κλῖμαξ or 'gradatio,' as it is called by Cornificius (Ad H. IV, § 34), who is followed by Quintilian (IX. 3, §§ 55–57). Cp. Pro Mil. § 61.

d. **scelera ac maleficia.** Not 'tautologous.' 'Guilt' may exist in the mind and heart without being realised in action, and so developing into 'maleficium,' § 30 *c*.

e. **parsimoniae.** Cp. Pro Q. § 92—'rusticana illa atque inculta parsimonia.'

f. **magistra.** This is one of those 'substantiva mobilia,' which agree, as far as possible, in gender with their noun. See P. S. L. G. § 113, 5). For a masculine instance of the same word we may take the 'venter magister artium' of Persius.

§ 76. *a*. **missa facio.** A periphrasis for 'mitto.' Cp. Ad H. II, § 25—'si eum missum fecerimus.'

b. **illud.** See § 52 *d*.

c. **qui . . . fuerit,** 'seeing that, as you say, he has never mixed with his fellow-men.' Contrast with this the use of the indic. to state a fact in § 74 'qui Romam, etc.'

d. **tute.** Cp. §§ 81, 94; Verr. Div. § 27—'tute tui periculum

fecisti?' 'Tute' is an old and strong form of the 2nd personal pronoun, with corresponding acc. 'tete,' e. g. Catull. Carm. C. 5—

'quandoquidem fortuna mihi tete abstulit ipsum.'

e. **suspitiose.** Cp. § 55 'criminose ac suspitiose.'

f. **Nuntium.** Doubtless here 'messenger,' not 'message,' but the word is quite ambiguous.

a. **rem miseram et calamitosam,** etc. Explained by the words § 77.
'quod non licet id facere quod in tali crimine innocenti saluti solet esse.' The usual inversion of the relative and its antecedent has taken place with regard to the second 'quod,' and the syntax is further complicated by the addition of an 'ut' clause, explanatory of 'id quod innocenti saluti solet esse.'

b. **in quaestionem,** 'to be put on the rack.' '"Quaestionem" intellegere debemus tormenta et corporis dolorem ad eruendam veritatem.' Ulpian (Dig. XLVII. 10, §§ 15, 41). Although slaves could not be examined against their master (§ 120) without his consent, it was competent to the master himself to offer them for examination.

c. **unus puer . . . relictus non est.** Instead of the more usual 'ne unus quidem.' Cp. De Prov. Cons. § 7—'unum signum Byzantii ex maximo numero nullum haberent.'

d. **P. Scipio . . . Metelle.** Cp. § 15. Nothing is known for certain of either of these persons. But the P. Scipio spoken of may possibly have been Publius Cornelius Scipio Nasica, praetor in B.C. 94, and grandson of the Nasica who slew Tiberius Gracchus. As for Metellus, the omission of the letter indicating the praenomen baffles all attempts at identification.

e. **advocatis . . . agentibus.** Referring to proceedings before the trial, when the 'advocati' of the accused brought a formal demand that the evidence of the slaves should be taken. Had the examination actually been held, it would have been the business of the 'advocati' to be present at it. See Pro Clu. §§ 176, 177.

f. **servos paternos.** On this subject cp. §§ 119, 120.

g. **T. Roscium.** Magnus. See § 119. The demand would be addressed to him as procurator of Chrysogonus (§ 23).

h. **sectantur.** A frequentative from 'sequor'—'they are in the train of.' Cp. the use of 'sectatores.'

i. **ego postulo,** etc., 'I demand as a right, my client begs and implores.' 'Postulo' = *ἀξιόω*.

a. **fugitant,** 'shirk'—a vulgar word, said to occur only here in § 78.
Cicero.

b. **mortis paternae.** Doubtless we should have had 'de morte

paterna,' if it were not for the 'de servis paternis' following, where 'de' has a different sense.

c. **dum . . . quaeratur,** 'so long as to admit of an inquiry.' The subjunctive with 'dum' indicates a purpose.

d. **neque ita multo post.** See § 64 *a*.

§ 79. *a.* **Liberosne.** See § 74 *b*.

b. **Quos neque,** etc. 'But you cannot show, etc.' It is common to have a refutation thus introduced by a relative.

c. **qua spe aut quo pretio.** The two together make up one idea—'by what hope or bribe,' so that they both come under the last 'neque.'

d. **multis annis,** 'for many years,' i. e. within the space of many years. Cp. § 74 *d*.

e. **temere,** 'without grave reason.'

f. **servorum nomen,** 'the mention of slaves.'

g. **reiectus a ceteris suspitionibus,** 'when you found all other surmises unavailing,' lit. 'when you were cast off from,' keeping up the metaphor from a storm-tossed vessel.

h. **ubi,** 'but here.' Cp. 'quos neque' above.

i. **ut non modo,** etc., 'that you not merely see the charge rebound from my client, but even become aware that all the suspicion falls back upon yourselves.'

§ 80. *a.* **confugit.** Present tense.

b. **una mercede duas res adsequi.** Cicero expresses the same idea in a proverbial form in one of his letters (Ep. Fam. VIII. 29, § 2)—'duo parietes de eadem fidelia dealbare,' 'to whitewash two walls out of the same pail' = 'to kill two birds with one stone.'

c. **nos iudicio perfundere,** 'to drench us with proceedings.' Cicero implies that all that Erucius could do was to annoy his client; he could not hope for a verdict. The metaphor is probably borrowed from the bath. Cp. Plat. Rep. 344 D—*ὥσπερ βαλανεὺς ἡμῶν καταντλήσας κατὰ τῶν ὤτων ἀθρόον καὶ πολὺν τὸν λόγον.*

d. **sectoribus.** A 'sector' was one who bought goods at a public auction. Gaius IV, § 146—'sectores vocantur, qui publice bona mercantur.' The purchase of such goods was called 'sectio' (Tac. Ann. XIII. 23—'Paetus quidam, exercendis apud aerarium sectionibus famosus'), a term which is also applied by Caesar to the goods themselves (Bell. Gall. II. 33)—'sectionem eius oppidi universam Caesar vendidit.'

e. **per ista tempora,** 'during the times you speak of.' Referring to the words of Erucius above—'eiusmodi tempus erat, etc.'

f. **sectores . . . bonorum.** Cicero makes great capital out of the

double meaning which the word 'sector' admits of. Cp. §§ 88, 103, 149, 151.

§ 81. *a.* **dies noctisque.** Not 'day and night,' but 'for whole days and nights.' Cp. Phil. X, § 20—'cum vero dies et noctis omnia nos undique fata circumstent.'

b. **concursabant,** 'were rushing about.' The 'con-' is intensive, as in 'contremo,' 'conticesco,' etc. The word therefore does not necessarily imply joint action. Cp. Pro Q. § 53, where it is used of a single person in the sense of 'bustling off.' So Cat. IV, § 17—'lenonem quemdam Lentuli concursare circum tabernas.'

c. **adsidui.** See § 67 *d*.

d. **huic crimini . . . fore.** See § 40 *f*.

e. **tute.** See § 76 *d*.

§ 82. *a.* **Erucii criminatio,** etc. 'Erucius' whole line of accusation has been met, I think.' Cp. Pro Q. § 33—'inaudita criminatione accusatorum'; Pro Q. Rosc. Com. § 37—'criminatio tua quae est?'

b. **dissoluta est.** 'Dissolvere' appears to be a less precise word than the 'diluere' which follows. Thus, in speaking of ridicule, Cicero says (De Orat. II, § 236)—'odiosasque res saepe, quas argumentis dilui non facile est, ioco risuque dissolvit.'

c. **nisi forte.** Quintilian says (IV. 13, § 22)—'Nonnunquam tamen quaedam bene et contemnuntur vel tanquam levia vel tanquam nihil ad causam pertinentia. Multis hoc locis fecit Cicero.'

d. **de peculatu.** Some light is perhaps thrown on this by the words in § 144—'si nihil de patris fortunis amplissimis in suam rem convertit.' On the hypothesis that the goods of Sextus Roscius the elder had been confiscated, the retention of any part of them by the son might be characterized by the accuser as embezzlement of state property.

e. **declamare,** 'to be spouting.' Cp. Phil. II, § 42—'tot dies aliena in villa declamasti?'

f. **commentaretur.** Frequentative or intensive form of 'comminiscor,' and equivalent in sense to 'meditari' and the Greek μελετᾶν.

g. **verbo arguit.** By mere assertion, without calling witnesses.

h. **ad testis.** The usual order of procedure was for the witnesses to be called after the speeches on both sides had been delivered. See Verr. i, § 55; ii. I, § 27.

§ 83. *a.* **fides,** 'duty.'

b. **crescere.** Notice the phrase 'ex aliquo crescere,' 'to advance one's reputation at the expense of somebody.' 'De aliquo crescere' is used in the same sense. See Verr. ii. V, § 173; and for 'crescere'

alone cp. Ter. Haut. Prol. 28. Cicero mentions L. Crassus, M. Antonius and P. Sulpicius as instances of orators who had won their spurs by a public accusation. De Off. II, §§ 47, 49; cp. Pro Caelio § 73. Even in the Verrine orations Cicero is careful to insist on his own preference for defence—'sed ego defensorem in mea persona, non accusatorem, maxime laudari volo,' ii. I, § 98.

c. **quod certum est non facere,** 'but that I am determined not to do.' Cp. § 31 *c*.

d. **Iam intelleges,** etc. Cicero now proceeds to give Erucius a lesson in the art of accusing, carrying out the precept he had laid down some years before in the De Inventione (II, § 28)—'eis locis, qui accusatori dati sunt, utetur reus, cum in alios ab se crimen volet transferre.'

e. **certum crimen,** 'a genuine charge.'

f. **Neque . . . et.** Like the Greek οὔτε . . . τε, e.g. Eur. Hec. 1230, Alc. 70. For a parallel instance in Cicero take Pro Q. § 2—'ego, qui neque usu satis et ingenio parum possum.'

g. **facerem,** 'be doing so.'

h. **id erit signi,** 'there will be this much proof.' Cp. § 91 'hoc commodi est,' § 147 'nec quicquam iam habere reliqui'; Ad H. IV, § 1, 'atque hoc nos necessitudine facere, non studio, satis erit signi quod,' etc.

§ 84. *a.* **T. Roscio.** Magnus, § 17.

b. **viderimus.** Here = the simp. fut. 'videbimus.'

c. **paratum esse.** Supply 'eum.' Cp. § 97 'fac audisse statim'; § 100 'scio enim proditurum esse'; § 126 'occisum esse'; § 59 *b*.

d. **suas palmas,** 'laurels of his own.' Cp. § 17 *e*.

e. **L. Cassius ille,** 'the famous L. Cassius' (Longinus Ravilla), Censor B. C. 125 (Vell. Pat. II. 10). He is mentioned in the Brutus (§ 97) as the author of a 'lex tabellaria,' and Cicero there describes him as 'homo, non liberalitate, ut alii, sed ipsa tristitia et severitate popularis.' He distinguished himself by condemning some Vestal Virgins after they had been acquitted by the whole College of Pontiffs (Asconius on Pro Mil. § 32; cp. Liv. Epit. 63). Valerius Maximus III. 7, § 9), in his chapter on self-confidence, relates how the orator M. Antonius, when he might have shielded himself under the Memmian law, had not shrunk from appearing on a charge of incest before the dreaded judge, 'cuius tribunal propter nimiam severitatem scopulus reorum dicebatur.'

f. **verissimum,** 'most just.' The neut. is used in the same sense, e.g. Pro Q. § 48 'continuone verum fuit postulare?' Cp. Ter. And. 629. The abstract term 'veritas' is also found in the sense of

'justice.' Ad H. II, § 20—'ex aequo et bono ius constat, quod ad veritatem communem videtur pertinere.'

g. **cui bono fuisset,** 'for whose interest it had been'—an often misused phrase. Cp. Pro Mil. § 32 and Phil. II, § 35. For the constr. see § 40 *f.*

h. **ad maleficium nemo,** etc. De Inv. I, § 45—'nam sine causa maleficium susceptum non potest esse.' Cp. § 61 *c.*

a. **quaesitorem.** A title of the presiding judge. Cp. Verg. Aen. § 85.
VI. 432—

'quaesitor Minos urnam movet.'

b. **ei, quibus periculum creabatur.** Equivalent to the phrase which follows, 'ei, quibus causa dicenda est,' except that 'periculum' is specially suggestive of a public trial (Quint. VI. 1, § 36). The accuser was said 'inferre periculum,' e. g. Verr. Div. § 59.

c. **implicatus ad severitatem.** The text is here corrupt. 'Implacatus' and 'inclinatus' have been proposed as emendations.

d. **vir.** M. Fannius, §§ 11, 12.

e. **ab innocentia,** 'on the side of innocence.' Cp. § 104 'a nobis;' De Inv. I, § 81 ad fin.—'a se potius quam ab adversariis stare;' Verr. ii. I, § 14 ad fin.—'a me,' 'on my part.' So in Caesar (Bell. Gall. I. 1) in a local sense, 'ab Sequanis,' 'on the side of the Sequani.'

f. **Cassianos iudices.** The 'quorum nomen' following shows that this had passed into a current phrase. Cp. Verr. ii. III, §§ 137, 146.

a. **cum viderent,** 'on seeing.' 'Cum' with the impf. may be § 86.
regarded as equivalent to a present participle, as 'cum' with the plupf. is to a past.

b. **accedit . . . ut.** With 'accedit ut' the new clause appends a fact, with 'accedit quod' a reason, as in § 4—'accedit illa quoque causa, quod a ceteris forsitan ita petitum sit,' etc.

c. **Tenuitas.** The abstract term corresponding to the attributive 'tenuis,' cp. § 19 *a.*

d. **dissimulari,** 'cloaked.' 'Simulare' is to pretend to have some quality which you have not; 'dissimulare' to pretend not to have some quality which you have.

a. **praefers, qui,** etc., 'you make no secret of, seeing that you § 87.
entered into a conspiracy,' etc. 'Prae te fers' is more usual. For 'societatem coieris,' cp. § 20 ad fin.

b. **municipis.** See § 105 *d.*

c. **offerres,** 'thrust it into ours.'

a. **ut hoc dubitemus,** 'that we should raise this question.' Like § 88.
the Gk. *ἀπορεῖν.*

b. **egentissimus,** Superlative formed from the participle 'egens.' 'Egens' in the sense of 'needy' is of much more frequent occurrence than 'egenus.' On the comparison of participles cp. § 47*f*.

c. **feratur infestus in,** 'rushes to attack.'

d. **quaestum . . . . fructum.** 'Quaestus' is 'profit,' 'fructus,' 'produce.' The contrast between them marks the antipathy of an agricultural people to trade and commerce. Cp. Tusc. Disp. V, § 86 —'quaestuosa mercatura, fructuosa aratio dicitur'; Liv. XXI. 63, § 4 —'id satis habitum ad fructus ex agris vectandos; quaestus omnis patribus indecorus visus.'

e. **sectorum audacissimus,** 'the most reckless of brokers.' The words are at the same time intended to call up the idea of the 'sectores collorum' of § 80.

f. **insolentiam,** 'his being so unused to.' Cp. De Inv. I, § 2— 'primo propter insolentiam reclamantis.'

§ 89. *a.* **in reo,** 'in the case of an accused person.' Cp. § 34 'in Scaevola.'

b. **Tempus, hercule,** etc. Cp. Verr. ii. IV, § 59—'dies me citius defecerit, quam nomina.'

c. **materies.** Cp. the use of ὕλη in Greek. 'Silva' is used in the same sense in De Inv. I, § 34.

d. **non enim tantum,** etc., 'for, without being arrogant, I do not so much disparage myself,' etc. Notice the contrast between 'derogo' and 'adrogo.' The former is to ask to have something taken away, the latter is to ask to have something added.

e. **in grege,** 'one of the common herd.' The opposite notion is conveyed by the adj. 'egregius.' **patronorum** belongs more immediately to **multitudinem** than to **in grege.**

f. **pugna Cannensis.** Under this expression Cicero refers to the horrors of the proscription. In the same way he speaks of Verres' banquets as 'Cannensem pugnam nequitiae' (Verr. V, § 28), with reference to the prostrate bodies of the guests who had succumbed to the bottle.

g. **lacum.** 'Lacus' means 'a tank,' like the Greek λάκκος, as well as 'a lake.'

h. **Servilium.** This reservoir in Rome was named after the man who constructed it. It was situated at the entrance to the Vicus Jugarius, hard by the Basilica Julia (Müller's Festus, p. 290). During the proscription it had been decorated with the heads of victims. See Seneca de Prov. 3—'Videant largum in foro sanguinem et supra Servilium lacum (id enim proscriptionis Sullanae spoliarium est) senatorum capita, et passim vagantes per urbem percussorum

greges.' This incident made a lasting impression on the minds of the Romans

§ 90. *a.* **quis ibi**, etc. Part of a trochaic verse from Ennius' tragedy of Achilles. The time referred to is when Hector burnt the ships of the Greeks; and the words are represented as spoken by Ulysses in reply to a question from Ajax, asking him why he fled. The Scholiast quotes them thus—

'quis enim vulneratus ferro frugio,'

and sees in the last word a reference to the impurities of Sulla—'frugies autem dicuntur infames'—a view which we may safely set aside.

b. **Curtios.** Nothing is known of any accuser of the name of Curtius. The employment of the plural when a name is used in a generic sense is common in Latin. Cp. Verg. Geor. II. 169 'Decios, Marios magnosque Camillos,' where Servius remarks on the word Camillos 'abusive: nam unus fuit qui a Gallis sublata signa revocavit.'

c. **Marios.** Plutarch (Sulla 32) mentions that Catiline in the effusion of his gratitude to Sulla for the post-mortem proscription of his brother, cut off the head of a certain Marcus Marius, one of the opposite party, and brought it to Sulla, as he sat in the forum. The same story is told with revolting details in Livy Epit. 88, and in Seneca's treatise De Ira (III. 18), where the murder is said to have been perpetrated by Sulla's orders. From a comparison of Seneca with Pliny (N. H. XXXIII. 132, ed. Detl.) it appears that this was Marius Gratidianus, whose bill for testing coinage had made him so popular that statues were erected to him in every street. He was a kinsman of Cicero's, being the son of M. Gratidius, whose sister was Cicero's grandmother (De Leg. III, § 36). Cicero talks of him as a turbulent demagogue (Brut. § 223).

d. **Mammeos.** Memmios has been suggested as a correction, from Brut. § 136—'Tum etiam C. et L. Memmii fuerunt oratores mediocres, accusatores acres atque acerbi.' Possibly Caius was dead at the time referred to in the text (cp. Brut. § 304): but in any case the plural is only rhetorical.

e. **Priamum ipsum.** The name of Priam is suggested by the context simply as a type of age and dignity. It is out of keeping with 'ferro Phrygio.'

f. **Antistium.** There is a Publius Antistius whose character as a speaker is drawn by Cicero in the Brutus (§§ 226, 227). His daughter, Antistia, was the first wife of Pompeius Magnus (Plut. Pomp. 9), and owing to his being thus connected with the party of Sulla, he was put to death by order of the younger Marius in B.C. 82,

along with Mucius Scaevola Pontifex and as many other of the nobles as were found in the city (Vell. Pat. II. 26; Liv. Epit. 86; Appian De Bell. Civ. I. 88; Cic. Brut. § 311). The words in the text however do not seem particularly applicable to this person. They suggest someone who was specially an accuser, who was slain in the proscription of Sulla, and had previously suffered 'infamia,' after which it would be unlawful for him to act as accuser (Digest XLVIII. 2, § 4).

g. **Iam,** 'further.'

h. **sescenti,** 'any number.' Used quite indefinitely, like the Greek *μυρίοι*. Cp. Verr. ii. II, § 119—'sescentos praeterea civis Romanos multosque Siculos.'

i. **inter sicarios et de veneficiis,** 'in cases of murder and poisoning.' For the phrase 'inter sicarios,' cp. § 11; Phil. II, § 88.

j. **vellem viverent.** This constr. is much more common than with the 'ut' expressed. Cp. § 138 'vellem quidem liceret.'

§ 91. *a.* **ut fit.** Cp. § 33; Pro Mil. § 28—'dum se uxor, ut fit, comparat.'

b. **dum . . . erat occupatus,** 'while he was taken up'—an instance of 'dum' with the imperf. (rather than with the plupf.); cp. § 139 'dum necesse erat resque ipsa cogebat, unus omnia poterat.'

c. **in aliis rebus erat occupatus.** Cp. § 93 'qui in bonis erant occupati.'

d. **suis volneribus mederentur.** By putting to death their creditors and other inconvenient persons.

e. **Hoc commodi est,** 'there is this much advantage.' Cp. § 83 'id erit signi.'

f. **ut coepi dicere.** See § 89 ad in.

g. **studio,** 'from inclination.' Cp. § 83 ad in.

§ 92. *a.* **quae . . . impellerent.** Depending on 'esse,' which is imperfect infinitive, 'that there were a great many motives to impel him.' This at least is the simplest view: but Landgraf quotes instances (e. g. Verr. ii. IV, § 11) of an imperfect of the potential after a present.

b. **ecquae.** The substantial form of this pronoun is 'ecquis,' 'ecqua,' 'ecquid,' the adjectival 'ecqui,' 'ecquae,' 'ecquod.'

c. **quid ad rem.** Cp. Phil. II, § 72 ad fin.—'Ius postulabas, sed quid ad rem?'

d. **occiderit.** Used absolutely—'committed the murder.'

e. **multis annis.** See § 74 *d*.

§ 93. *a.* **facultates,** 'facilities.' For the form cp. 'difficultas,' 'simultas.' The word is defined by Cicero in the de Inv. I, § 41—'Facul-

tates sunt, aut quibus facilius fit aut sine quibus aliquid omnino confici non potest.' In § 29 of the same he says—'probabilis erit narratio . . . si fuisse facultates faciundi videbuntur.'

b. **commemoravit Erucius.** See § 80 ad in.

c. **Ea multitudo quae erat?** 'of whom did that multitude consist?' 'Quae' being equivalent to a genitive, the question is answered by 'eorum.'

d. **Si eos putas.** Supply 'Sextum Roscium occidisse.'

e. **quos qui . . . percussores vocant,** 'whom those who give them the milder name call "stabbers."' This is of course ironical. For 'percussores' cp. the passage of Seneca quoted in § 89 *h*.

f. **fide,** 'service.'

g. **aliquem.** Referring to 'cuius.' Chrysogonus is meant.

h. **contendito,** 'contrast.'

a. **quid postea?** 'what of it?' § 94.

b. **ego.** See § 32 *c*.

c. **Non continuo . . . sicarius,** 'it does not follow that, if I *did* herd with cut-throats, I am a cut-throat.'

d. **longe absum . . . crimine,** 'am far out of reach of such a charge.' Cp. § 55 'abest a culpa.'

e. **quare intellegatur,** 'so as to make it intelligible.' 'Quare' is here practically equivalent to 'ut.'

f. **libenter,** 'of my own free will.' Cp. 'studio' § 91 ad fin.

g. **ad pluris . . . pertinere,** 'to come home to too many.'

a. **strictim,** 'in a cursory manner.' Cp. § 91 ad fin.—'tantum § 95. modo perstringere unam quamque rem.'

b. **abs te.** The strong form of this preposition is usual before 'te' in the earlier writings of Cicero. See § 44. It is preserved also in composition before verbs beginning with c or t, 'abscedo,' 'absterreo,' etc. In Ad H. II, § 9 we have the harsh form 'abs quaestionibus.' The form 'af' was used in Cicero's day in account-books, and he believed it to be the original one—'in reliquo sermone mutata est: nam "amovit" dicimus et "abegit" et "abstulit," ut iam nescias "ab" ne verum sit an "abs."' (Orat. § 158.)

c. **me dius fidius.** A relic of 'Ita me deus fidius (*Ζεὺς πίστιος*) iuvet!' 'So help me the god of faith!'

d. **cuicuimodi.** Put for 'cuius cuiusmodi.' Cp. De Inv. II, § 134—'legem, cuicuimodi sit, in praesentia conservari ab iudicibus convenire.'

e. **ne ita . . . pepercerim,** 'lest I may seem to have been so anxious to preserve my client as not to have spared you at all.' Cp. § 55 *d*.

f. **quod . . . possim,** 'as far as I can.' Cp. 'quod sciam' in § 17.

g. **venit . . . tui,** 'I bethink myself of your effrontery.' Cp. § 87. The phrase 'venit mihi in mentem' is equivalent in meaning to 'reminiscor,' and therefore constructed, like it, with a genitive. Cp. Pro Q. § 6—'non minus saepe ei venit in mentem potestatis, quam aequitatis tuae;' Verr. ii. I, § 47 'tuorum tibi scelerum veniat in mentem.'

h. **tene . . . depoposcisse.** Exclamatory infinitive—'to think that you, of all men, should have claimed the rôle you have!' An obvious instance is Vergil's

'Mene incepto desistere victam!' Aen. I. 37.

The constr. is common in Cicero, e. g. Pro Q. Rosc. Com. § 4—'pro di immortales, essene quemquam tanta audacia praeditum!'

i. **illorum.** We might have had 'sua' here, but 'illorum' contrasts more strongly with 'huius.'

§ 96. *a.* **eius.** This carries us back to 'occiso Sex. Roscio.'

b. **eius intererat.** Originally perhaps 'inter rem eius erat.' So 'eius refert'='eius rem fert.' Hence the construction with 'meā,' 'tuā,' 'suā,' etc., for 'meam,' 'tuam,' 'suam,' agreeing with 'rem,' either expressed in the form 'rē' (in 'refert') or understood (in 'interest'). Some prefer to regard 'interest' as a corruption of 'in re est.'

c. **cum . . . venisset,** 'having come.' The clumsy Latin substitute for an aor. or perf. participle in the act. voice.

d. **Qua ratione,** 'on what principle?'

e. **domus uxor liberique.** So Pro Q. § 54—'cum Romae domus eius, uxor, liberi sint.' We need not infer from 'liberi' that Cicero's client had brothers or sisters living, since the term could be used of a single boy or girl, as by Terence (And. 891)

'domus, uxor, liberi inventi invito patre.'

Aulus Gellius (II. 13) has a chapter on this use of the word, beginning—'Antiqui oratores historiaeque aut carminum scriptores etiam unum filium filiamve "liberos" multitudinis numero (i. e. in the pl.) appellarunt.' It was only the exigencies of legal Latin that led to the coining of the sing. 'liber.' It should be noticed that 'liberi' is strictly a relative term, 'children in relation to their parents;' whereas 'pueri' is 'children' absolutely.

f. **propinqui cognatique,** 'relatives and kinsmen.'

§ 97. *a.* **cursus,** 'pace.' The whole passage is very like Pro Q. § 82—'quid haec amentia, quid haec festinatio, quid haec immaturitas tanta significat?'

b. **excutio.** To realise the appropriateness of this word, we have to bear in mind that the Romans were accustomed to carry things in the folds ('sinus') of the toga, which thus served as pockets.

c. **sumo . . . dat.** Terms derived from dialectic or logic.

d. **Fac,** 'suppose.'

e. **audisse.** Supply 'eum.' Cp. § 84 *c*.

f. **sua sponte,** 'of his own accord.' The defective noun 'sponte' seems to be connected with 'pondus,' giving the idea of a thing falling by its own weight.

g. **id temporis,** 'at such a time.' Cp. § 64 'id aetatis.' In the Ad H. I, § 21 we have it in the more intelligible form 'per id temporis.'

h. **argumentatio.** In Part. Orat. § 45 'argumentatio' is declared to mean 'argumenti explicatio.' Cp. De Inv. I, § 74, where the word is said to have two meanings (1) the bare proof itself, whether probable or necessary, (2) the same dressed out by rhetoric. The word is a translation of the Greek *ἐπιχείρημα*. Ad H. II, § 2—'argumentationes, quas Graeci *ἐπιχειρήματα* appellant.'

§ 98. *a.* **Nonne vobis,** etc. The passage which follows is one of great rhetorical power and subtlety. Without committing himself to any definite statement, Cicero impresses his own view of the case upon the minds of his hearers by a rapid and lively series of questions. The graphic description of an event by bringing out the details is called by Cornificius (Ad H. IV, § 68) 'demonstratio.' He defines it thus—'cum ita verbis res exprimitur, ut geri negotium et res ante oculos esse videatur.' Cicero himself in the De Oratore III, § 202, speaks of the same thing—'nam et commoratio una in re permultum movet et inlustris explanatio rerumque, quasi gerantur, sub aspectum paene subiectio,' from which place Quintilian probably took his 'sub oculos subiectio,' a phrase which he ascribes to Cicero (Inst. Orat. IX. 2, § 40). Cp. the passage in the Pro Milone (§ 64) beginning—'si haec non gesta audiretis, sed picta videretis.'

b. **Automedontem.** Automedon was the charioteer of Achilles, Il. XVI. 145. The name was used, as 'Jehu' is with us, for any charioteer. See Juv. I. 61—

> 'dum pervolat axe citato
> Flaminiam puer Automedon.'

c. **honoris sui causa.** Cp. § 132—'cuius honoris causa accusare se dixit Erucius.'

§ 99. *a.* **Quid erat quod . . . voluerit,** 'what was the reason why he wished.' The certainty of his having wished it is brought out by the irregular sequence. Cp. § 33 *k*.

b. **nisi hoc video.** 'Nisi' here means 'only,' 'except that.'

c. **tribus et decem.** See § 20 *e*.

§ 100. *a.* **Audio praeterea.** Here Cicero proceeds to act on the maxim he had previously laid down in the De Inventione (II, § 32)—'vitam eius, quem arguit, ex ante factis accusator improbare debebit et ostendere, si quo in pari ante peccato convictus sit.'

b. **lemniscatam,** 'of special note.' A 'corona lemniscata' was one adorned with coloured ribbons called 'lemnisci' (Festus, p. 113. Cp. Liv. XXXIII. 33—'turba . . . coronas lemniscosque iacientium'). Servius uses the term to explain Vergil's line (Aen. V. 268)—

'puniceis ibant evincti tempora taenîs,

and quotes Varro as saying that such a crown was a mark of special honour. Cp. Ausonius, Epist. XX. 5, 6—

'et quae iamdudum tibi palma poetica pollet,
lemnisco ornata est, quo mea palma caret.'

When Sulla was sacrificing at Tarentum after his return to Italy, the entrails of the victim are related to have assumed the form of a crown of bay with two λημνίσκοι attached to it. Plut. Sull. 27.

c. **quae . . . deferatur,** 'to be conferred.'

d. **habeo etiam dicere,** etc. 'I can also mention one whom, contrary to the custom of our ancestors, as he was under sixty years of age, he threw down from the bridge into the Tiber.' Notice the use of 'habeo' in the sense of 'can' with 'dicere' = ἔχω λέγειν.

e. **morem maiorum.** On the 14th of May it was the custom at Rome for the priests and the Vestal Virgins to proceed to the Pons Sublicius, and solemnly to throw wicker work images of men into the Tiber. See Ovid, Fast. V. 621–662. These images were called 'Argei' (Fast. III. 791; Varro, L. L. VII, § 44—'Argei fiunt e scirpeis, simulacra hominum XXIV; ea quotannis de ponte sublicio a sacerdotibus publice deici solent in Tiberim'). The origin of this curious custom was lost in antiquity. Ovid has to invoke the river Tiber, as being more ancient than Rome itself, to supply a fanciful explanation of it. The popular idea in his day connected the rite with aboriginal human sacrifices, which were supposed to have been stopped by Hercules, and men of straw substituted for the real victims (Cp. Festus, p. 334, Lact. Div. Inst. I. 21). Hence the name 'Argei' (='Αργεῖοι, Varro L. L. V, § 45). Another explanation is referred to by Ovid (Fast. V. 633, 4) in these words—

'Pars putat, ut ferrent iuvenes suffragia soli,
pontibus infirmos praecipitasse senes;'

where 'pontes' is usually explained of the gangways leading to the 'septa' or polling-booths (Cp. Ad H. I, § 21—'pontes disturbat, cistas

deicit') : but if Ovid meant 'pontes' in this sense, the explanation fails to account for the custom. However that may be, the idea had been started as early as the time of Varro that the common saying 'sexagenarios de ponte deiciendos' had no reference to the drowning of old men, but merely to their ceasing to vote. See Nonius Marcellus (p. 611, ed. Quicherat), '*Sexagenarios per pontem mittendos* male diu popularitas intellexit, quum Varro, de Vita populi Romani lib. II. honestam causam religiosamque patefecerit: "Quum in quintum gradum pervenerant, atque habebant sexaginta annos, tum denique erant a publicis negotiis liberi atque otiosi. Ideo in proverbium quidam putant venisse ut diceretur *Sexagenarios de ponte deiici* oportere, quod suffragium non ferant, quod per pontem ferebant."' It seems to be peculiar to Varro to regard the sexagenarians as being relieved from a duty instead of debarred from a privilege (Cp. Macrob. Sat. I. 5 with the view of Sinnius Capito in Müller's Festus, p. 334).

Connected with the same idea is the phrase 'depontani senes,' which is thus explained by Festus (p. 75)—'depontani senes appellabantur qui sexagenarii de ponte deiciebantur.'

In the words before us Cicero evidently has in his mind the notion of old men having really been flung into the Tiber, and affects to find a violation of precedent in Capito's treating in the same way a man *under* sixty.

f. **minorem annis LX.** See § 39 *a*. A man was senior after 45 (De Sen. § 60), but he did not become 'senex' till 60. After that certain privileges were allowed him, as that of being represented in court by an attorney ('cognitor') instead of appearing in person. Ad H. II, § 20.

g. **atque adeo.** See § 29 *a*.

a. **suum.** See § 61 *a*. § 101.

b. **intemptasse,** 'brandished in the face of.'

c. **omnia illa,** 'all *that*.'

a. **alter . . . alter.** The first pron. refers to Magnus, the second § 102. to Capito.

b. **volucrem nuntium.** Cp. Pro Q. § 20—'O nuntium volucrem!'

c. **magistrum suum.** See § 17 *i*.

d. **dissimulare.** See § 86 *d*.

e. **si dis immortalibus placet.** Often used in a sarcastic sense. Cp. Ter. Eun. 919—

'vide ut otiosus it, si dis placet';

on which Donatus observes 'proprium est exclamantium propter indignitatem alicuius rei.' It has been suggested that 'si' in this

expression does not mean 'if,' but 'so' ('sic'='si' with demonstrative suffix added. See Key's Latin Grammar, 1451 *g*, note), and that consequently the phrase before us is parallel to 'sic visum superis' and the like. Against this view we may set the fact that 'si dis placet' may be used seriously in the sense of our 'please God,' where 'si' seems to have its proper meaning of 'if,' e. g. Plaut. Capt. II. 3. 94—

'Expedivi ex servitute filium, si dis placet.'

f. **quasi vero,** etc. For the form of expression cp. § 92—'quasi nunc id,' etc.

g. **comparatum est,** 'it has been ordained.' Cp. Ter. Phorm. 41—

'quam inique comparatumst, ei qui minus habent
ut semper aliquid addant ditioribus!'

The principle alluded to with regard to the reception of evidence is thus laid down by Pomponius (Dig. XX. 5, § 10)—'Nullus idoneus testis in re sua intellegitur.'

§ 103. *a.* **tertiam partem.** The division of the world into three parts—Europe, Asia, and Libya (=Africa) was generally accepted in the time of Herodotus (II. 16). Cp. Sall. Jug. 17—'In divisione orbis terrae plerique in parte tertia Africam posuere.'

b. **orbis terrarum.** 'Orbis terrarum,' 'orbis terrae,' or the pl. 'terrae' alone is equivalent to our 'globe.' 'Mundus' is a wider term, and embraces the solar system.

c. **si sua res . . . diceret,** 'if his own interests were at stake, would not give evidence' (supposing him to be alive now). So in the next sentence 'non crederetur.' For the expression 'sua res agitur' cp. Pro Q. § 9—'quasi sua res aut honos agatur.'

d. **in talem virum,** 'against such a man.'

e. **crederetur.** To supply 'ei' saves the solecism of a personal nominative: but in Ad H. I, § 10 we have 'si persuasus auditor fuerit.'

f. **et sector,** etc. Cp. § 80 ad fin.

g. **occidendum curavit.** 'Curo' may be constructed either with the gerundive, as here, or with 'ut,' as in §§ 33, 105.

§ 104. *a.* **Quid tu, vir optime?** Magnus may be supposed to have made some sign or sound of dissent at the words 'hominem occidendum curavit,' which Cicero had just uttered. For similar instances of meeting supposed emotions cp. Pro Plancio, § 104—'plura ne dicam tuae me etiam lacrimae impediunt vestraeque, iudices, non solum meae'; Pro Mil. § 33 'et aspexit me illis quidem oculis,' etc.; Phil. II, § 76 'at etiam aspicis me et quidem, ut videris, iratus.'

b. **Mihi ausculta.** Like the French 'écoutez-moi,' this means 'to

hear and obey.' So with our word 'hearken' and the Greek *ὑπακούειν*.

c. **audaciter.** In §§ 31, 118 we have the contracted form 'audacter,' which became usual about this time. In Quintilian's day 'audaciter' was considered pedantic (Inst. Or. I. 6, § 17). It is the form employed in the Ad Herennium.

d. **neque enim,** etc., 'for there is no advantage in an accuser who holds his tongue or in a witness who gets up from the accuser's bench.' A dilemma. Either you are here as an accuser or as a witness: but as an accuser you are useless, because you do not speak; and as a witness you are discredited, because you are sitting with the accusers. Cp. Arist. Rhet. Ad Al. 16, § 4—*Σκεπτ ον δὲ καὶ εἰ φίλος ἐστὶν ὁ μάρτυς ᾧ μαρτυρεῖ, ἢ εἰ μέτεστί ποθεν αὐτῷ τοῦ πράγματος, ἢ ἐχθρός ἐστιν οὗ καταμαρτυρεῖ.*

e. **tamen,** 'after all.' See § 8 *b*.

f. **vestra ista.** Including with Magnus the other members of the 'societas.' Cp. § 139 'nostri isti nobiles,' and on the order of the words see § 61 *a*.

g. **cupiditas,** 'partisanship.'

h. **esset.** The suppressed apodosis is 'if you were not sitting there.'

i. **ex vobis.** To be taken with **audire.**

j. **dedita opera,** 'expressly.'

k. **a nobis,** 'on our side.' Cp. § 85 'ab innocentia clementissimus.' 'A' or 'ab' and 'contra' are regularly used to denote the standpoints of controversy, e.g. De Inv. I, § 4—'a mendacio contra verum stare.'

l. **vosmet.** The affix '-met' (self) may be appended to all the oblique cases of 'tu,' except the gen. pl.

a. **ad Volaterras,** 'at Volaterrae.' We may render it so, even if motion be intended. See § 20 *b*. 'Ad' may be used before the name of a town after a verb of motion when only the vicinity of the town is meant, e.g. De Sen. § 10—'adulescentulus miles ad Capuam profectus sum.' § **105.**

b. **quadriduo, quo.** See § 20 *a*.

c. **qui,** 'how?' An old form of the abl. Cp. §§ 116, 125.

d. **municipem,** 'fellow-townsman.' Cp. Brut. § 246 'municeps noster.' See § 47 *b*.

e. **suspitionem,** 'mere matter of suspicion.'

a. **a maioribus.** Perhaps the same as those of their kinsman, Sextus Roscius. See § 15. § **106.**

b. **fidem et clientelam.** Cp. § 93.

§ 107. *a.* **indicii partem,** 'his share as informer.'

b. **cernetis, poteritisne.** See § 10 *b*.

c. **Qui sunt . . . dederit.** 'Who are the persons then, in the case of these goods, to whom Chrysogonus has given a share?' '(Ii) quibus partem Chrysogonus dederit' repeats in another form the preceding 'eum, qui indicii partem acceperit.'

§ 108. *a.* **ex . . . iudicio,** 'from Chrysogonus' own point of view.' Cp. Pro Q. § 48—'ex officii ratione atque ex omnium consuetudine . . . rem . . . considerare.'

b. **in ista pugna.** A dexterous insinuation of murder. The metaphor is from a gladiatorial combat. Cp. § 17.

c. **Si nihil . . . detulerunt.** Like the English construction 'if they did nothing but report.' Cp. Ad H. IV, § 41—'nihil aliud autem fecerunt, nisi Alexandrum perculerunt.' It has been noticed that while Cicero uses the form 'nihil aliud nisi,' Livy almost always says 'nihil aliud quam.'

d. **Denique,** etc., 'at the outside, supposing them to be very liberally dealt with.'

e. **honoris aliquid,** 'some acknowledgment.' The word often practically means 'reward.' So in De Inv. II, § 108—'cum beneficiis honos habitus sit, pro maleficio poenam sumi oportere;' Verr. ii. I, § 38—'habuit honorem ut proditori, non ut amico, fidem.' Cp. the phrase used in the Clouds of Aristophanes (line 1147)—

χρὴ γὰρ ἐπιθαυμάζειν τι τὸν διδάσκαλον.

τιμή in Greek admits also of the same sense, being used as the opposite of κόλασις, e.g. Arist. Eth. Nic. III. (1), § 1.

f. **tantae pecuniae,** 'of such value.' Cp. Verr. ii. IV, § 88—'quod signum ab sociis pecuniae magnae sustulit.'

g. **statim,** 'on the spot.' Connected with 'stare.' The same transition from the idea of place to that of time has occurred as in our own phrase. Cp. 'illico' = 'in loco,' and the French 'séance tenante,' 'forthwith.'

h. **communiter.** Cp. § 23 'procurator Chrysogoni,' and § 21 'nomine Chrysogoni.'

i. **manubias,** 'spoils of war,' keeping up the metaphor in 'pugna.' Strictly speaking, 'manubiae' is not the booty itself ('praeda'), but the money obtained from its sale. Aulus Gellius in his chapter on the meaning of this word (N. A. XIII. 24) says—'nam *praeda* dicitur corpora ipsa rerum quae capta sunt; *manubiae* vero appellatae sunt pecunia a quaestore ex venditione praedae redacta.' He admits however that even the best writers sometimes use 'praeda' and 'manubiae' indiscriminately. The use of the word in Livy X. 46 is

in keeping with the explanation of Aulus Gellius: not so Cicero's 'detrahere manubias' Verr. ii. I, § 157, where Asconius (or the writer who goes under his name) interprets it in a sense equivalent to 'spolia opima.'

j. **re cognita,** 'after due inquiry'—a sarcastic application of a law term.

a. **in decem primis.** See § 25 *b*. § 109.

b. **ex ipsa legatione,** 'merely from his conduct on this deputation.'

c. **integrum,** 'inviolate.' From 'in' and 'tango' (stem 'tag-').

d. **virum . . . iudicatote.** See § 18 *g*.

a. **Impedimento est quo minus.** The verbal noun is here constructed like the verb from which it comes. For the dative with 'est' put absolutely, cp. § 48 *c*. § 110.

b. **capitis periculum.** We may render this 'danger to life,' but the worst that a Roman citizen had to fear was civil death, the extinction of his rights as a citizen ('caput'), involving banishment and confiscation of goods.

c. **acuere,** 'eggs on.' From this point onwards we slip into the historic infinitive, which is especially used in a rapid sketch of proceedings like the following. It resembles a rough sketch of the painter's brush, raising an idea, without fixing it too definitely.

d. **cum illo contra hos,** etc. The poverty of the English language in the matter of pronouns will be borne in upon the student in attempting to translate this passage. In Latin there is no confusion. We have 'sese' for 'Capito,' 'ille' for 'Chrysogonus,' 'hi' for the fellow-deputies.

e. **isto . . . intercessore,** 'through his recommendation, advice, and intervention.' Cp. § 26.

f. **fide . . . decepti.** See § 116 *e*, § 29 *a*.

g. **testimonium eis denuntiare,** 'to sub-poena them.' Except under the 'lex ambitus' the power of compelling witnesses to attend was confined to the accuser. Plin. Ep. VI. 5, § 2; cp. Quint. V. 7, § 9. Where there is more than one witness spoken of, Cicero sometimes uses the pl. of 'testimonium,' Verr. ii. I, § 51—'non putasti me tuis familiarissimis in hanc rem testimonia denuntiaturum.'

a. **si qui.** The distinction between 'quis' substantival and 'qui,' adjectival does not hold when 'si' precedes. Cp. Caes. Bell. Gall. I. 48—'si qui graviore vulnere accepto equo deciderat, circumsistebant.' § 111.

b. **rem mandatam,** 'a trust.' The same thing as 'mandatum' below.

c. **non modo malitiosius.** 'I no not say fraudulently.' The comp. 'malitiosius' is perhaps only to balance 'neglegentius' following.

d. **admisisse.** See § 62 *l.*

e. **mandati,** 'for trust.' 'Mandatum' was a species of legal obligation. It was due to contract; and this contract arose out of the consent of the parties, as in the case of buying and selling, letting and hiring, and partnership. But 'mandatum' was distinguished from other contracts by its gratuitous character. Its origin was due to friendship, and the intervention of payment for the service rendered at once deprived this contract of its proper character. The person who got the service performed was termed in later legal phraseology the 'mandator' and the person who undertook to perform it was called the 'mandatarius.' Either of the parties could bring an action against the other, the 'mandator' for the due discharge of the delegated trust, and the 'mandatarius' for reimbursement of expense caused in carrying it out. It is the action on the part of the 'mandator' which Cicero has in view (Dig. XVII. 1; Gaii Inst. III, §§ 155–162).

f. **turpe.** A 'iudicium turpe' was one which involved 'infamia,' that is to say, in which the accused, if the charge were brought home to him, was degraded from the exercise of his political rights, without actually ceasing to be a citizen. Pro Clu. § 119—'turpi iudicio damnati in perpetuum omni honore et dignitate privantur.' Among 'privata iudicia' of this nature Cicero particularises 'tutelae, 'societatis,' 'rei mandatae,' and 'fiduciae' (Pro Caecina, § 7). They all fell under the formula 'bonae fidei'—'ut inter bonos bene agier oportet et sine fraudatione' De Off. III, § 70.

g. **vicaria . . . supponitur,** 'confidence in our friends takes the place of our own exertions.' For the 'pleonasm,' cp. § 153 *a.*

h. **disturbat vitae societatem.** Ἀναιρεῖται ἡ πρὸς ἀλλήλους χρεία τῶν ἀνθρώπων says Aristotle talking of breach of contracts. Rhet. I. 15, § 22.

i. **magis utilis.** For 'utilior.' Cp. 'magis firma suspitione' Ad H. II, § 8.

§ 112. *a.* **Quid recipis mandatum,** etc. Just. Inst. III. 26, § 11—'Mandatum non suscipere liberum est: susceptum autem consummandum aut quam primum renuntiandum est, ut aut per semet ipsum aut per alium eandem rem mandator exsequatur.' The sudden address to a person other than the judges is what is technically known in rhetoric as 'apostrophe.' Quintilian IX. 2, § 38—'Aversus quoque a iudice sermo, qui dicitur ἀποστροφή, mire movet.'

b. **officio . . . officis.** Notice the play on words. See § 5 *a*.

c. **suscipis onus,** etc. Even the heroic remedy of inserting 'non' into the text does not rid this passage of its difficulty—'you are undertaking a burden of duty, which you think yourself unable to sustain, a burden which seems least heavy to those who are themselves men of the greatest weight.' Instead of the insertion of 'non' the sense seems to require the substitution of 'maxime' for 'minime' before 'videtur.' In that case the sentence will contain a charge of 'levitas' against the supposed 'mandatarius.'

d. **nam neque mandat.** Paulus in the Digest (XVII. 1, § 1)—'Mandatum nisi gratuitum nullum est: nam originem ex officio atque amicitia trahit.'

a. **Itane est?** This turn of phrase is common in Cicero, and expresses surprise and indignation. It occurs also in the forms 'Itane vero?,' 'Itane tandem,' and simply 'Itane?' § 113.

b. **condemnetur necesse est.** 'Ut' is usually suppressed after 'necesse est.' Cp. § 120 'necesse est sciant aliquid;' § 139 ad fin. 'concedant necesse est.' 'Necesse est' may also take the acc. and infin., as in § 105 ad fin.

c. **commendatae sunt atque concreditae.** Cp. Pro Q. § 62—'cui tu et rem et famam tuam commendare proficiscens et concredere solebas.'

d. **ignominia mortuum.** Because the elder Roscius had been branded as a proscribed person. The enforced sale of his goods alone would have subjected him to the loss of all civil rights. See the strong expression which Cicero uses in Pro Q. § 49—'cuius vero bona venierunt . . . is non modo ex numero vivorum exturbatur, sed, si fieri potest, infra etiam mortuos amandatur.'

e. **atque adeo.** See § 29 *a*.

f. **inter vivos.** That is, among men who still retain their civil status. Cicero's own words in the Pro Quinctio, § 43, form an apt commentary upon this expression—'quid igitur pugnas? an, quod saepe multis in locis dixisti, ne in civitate sit? ne locum suum, quem adhuc honestissime defendit, obtineat? ne numeretur inter vivos?' Cp. the passage just quoted in *d* and Post Red. ad Quir. § 10 ad fin.—'spiritu dumtaxat viveret, re quidem infra omnes mortuos amandatus esset.'

g. **in crimen . . . vocatur.** Cp. § 38, where the phrase is used of the accused person, not, as here, of the offence.

h. **si ratione fiat,** 'in a rational state of things.'

i. **illum . . . qui mandarit.** The subjunctive may be explained either as generic or by attraction to 'oporteat.' 'Qui mandat' is

equivalent to the later term 'mandator' or 'qui mandatum recipit' to 'mandatarius.'

j. **gesta atque commissa.** This looks like putting the cart before the horse: but 'gesta' may refer to the proceedings on the part of the town council preliminary to the trust.

k. **caerimoniam,** 'the sacred character.'

l. **tandem,** 'pray?' See § 33 *g*.

§ 114. *a.* **transigeret atque decideret,** 'arrange and compound.' We may supply 'hanc rem,' but it is not necessary. Cp. Verr. ii. II, § 79 'qui cum reo transigat, post cum accusatore decidat.' There appears to be no difference of meaning between the two words. In their technical sense both are used of a voluntary arrangement between litigants made by the friends of the contending parties and in presence of a 'iudex.' See Pro Q. § 20. The abstract term 'decisio' is also found in Cicero, e.g. Pro Q. Rosc. Com. § 33 ad in.

b. **inque eam rem.** An instance against the rule of classical Latinity prior to Livy, that 'que' can only follow a preposition when the same preposition has preceded. Caesar offends against it too (Bell. Gall. V. 36)—'inque eam rem se suam fidem interponere.'

c. **suam.** Referring back to Sextus Roscius. 'Capito' must be understood as subject to 'interponeret.' The meaning is that Capito was to be empowered to pledge the honour of Sextus.

d. **tantulum,** 'ever so little.' Cp. § 115 'tantulum de arte concedere.'

e. **nonne . . . damnatus,** etc., 'would he not be condemned by an umpire and not only make restitution, but lose all his honour?' The 'arbiter' decided according to equity, the 'iudex' according to law.

§ 115. *a.* **Nunc,** 'as a matter of fact.' Cp. § 148 'nunc ita defenditur.'

b. **decurionibus.** See § 25 *a*.

c. **paulum nescio quid,** 'some trifle,' literally 'a small something.' 'Paulum' is an adj. agreeing with the subst. 'nescio quid.'

d. **funditus,** 'utterly.' Literally, 'from the bottom' ('fundus'). The termination '-itus' denotes motion or direction from, and corresponds to the Greek *-θε* or *-θεν*. Cp. *οὐρανόθεν, θεόθεν, ῥιζόθεν* with 'caelitus,' 'divinitus,' 'radicitus,' 'stirpitus.'

e. **tantidem . . . suam,** 'of as much account as his own honour,' i. e. of none at all.

§ 116. *a.* **socium fallere.** Having assimilated the conduct of Capito

to a breach of trust, Cicero now goes on to assimilate it to a breach of partnership. Under the former aspect the persons offended against were his fellow-townsmen, under this they are his fellow deputies.

b. **de quo ante dixi.** See § 111.

c. **neque iniuria.** See § 17 *d.*

d. **qui . . . . communicavit,** 'who has entered into partnership with another.'

e. **per eius fidem.** Cp. § 110 ad fin.—'istius fide ac potius perfidia deceptus;' De Inv. I, § 71—'qui saepenumero nos per fidem fefellerunt.' In the same way 'valetudo' in Latin and 'health' in English are used where what is really intended is the absence of that attribute.

f. **Atque ea sunt,** etc. This principle is based on the deterrent theory of punishment, which regards it as inflicted for the good of society, not for the sake of the person injured (the vindictive theory) nor yet for the sake of the criminal (the reformatory theory).

g. **Tecti,** 'guarded'—a metaphor from gladiators.

a. **muneris,** etc., 'office, deputation, service, and commission.' § **117.** Cicero is determined to show the copiousness of the language.

b. **induxit, decepit, destituit.** The climax here seems better managed than in the 'decepit, fefellit, induxit' of the In Pisonem, § 1, where, according to Aulus Gellius (XIII. 24) the words, though tautological, produce a massive and rhythmical effect upon the ear. 'Destituere' is 'to leave in the lurch.' There is a corresponding abstract term 'destitutio' (Pro Q. § 20).

c. **malitiam,** 'knavishness.' So above in § 111 'malitiosius.'

d. **proditor . . . perfuga.** A man may be a traitor ('proditor') in thought: but his treachery is made apparent when he becomes a deserter ('perfuga').

e. **terret . . . minatur,** 'even intimidates us with threats.'

a. **scelus . . . flagitia.** 'Scelus' is punishable by law; 'flagi- § **118.** tium' is what violates the moral sense of mankind, whether it comes within the scope of law or not. Cp. § 50 *e.*

b. **promptum et propositum,** 'glaring and obtrusive.'

c. **si quod illorum,** 'any of the others which.' 'Si quis'='anyone who;' 'si quod'='anything which.' The reading 'si quo de illorum' is only an ingenious conjecture.

d. **convincatur.** In the De Inventione (II, §§ 33, 34) Cicero lays it down as a maxim that the more you blacken a man's character, the more you weaken his defence. So if there is anything to be said against his previous career, you must bring it forward; if

there is nothing, you must assure the judges that his previous good reputation is a proof of his successful hypocrisy, but that now at last his deeds have been brought to light—'qua re non oportere hanc rem ex superiore vita spectari, sed superiorem vitam ex hac re improbari.'

e. **omnino**, 'altogether.'

f. **a gladio**, 'from the exercise of his profession.' Cp. 'ab armis recedere,' §§ 16, 126.

g. **discipulus magistro.** Cp. § 17, where 'lanista' was also used before.

h. **gemina.** This word has the same force here as the 'par,' 'similis,' and 'eadem' preceding. 'As like as two twins' explains the transition of meaning. We may render it 'a born match.'

§ 119. *a.* **iam antea.** See § 77.

b. **ab istis.** 'Ab' here means 'from.' This is clear from the meaning, but the words are ambiguous. Cp. § 77—'ab adversariis Sex. Roscius postulavit,' and § 120—'res porro abs te eiusmodi postulabatur.'

c. **in quaestionem.** See 77 *b*. Cp. the words below—'qui vel ipse in cruciatum dari cuperet.'

d. **qui postulabant.** Scipio and Metellus. Cp. § 77.

e. **integerrimi**, 'most unblemished.' Cp. § 109 *c*.

f. **iam antea.** See § 77.

g. **quicquid dicerent**, 'whatever they might say.'

h. **qui non.** A longer form of 'quin.'

§ 120. *a.* **Cum occiditur**, 'at the moment when.' Halm notes the rarity of this construction of 'cum' after the manner of 'dum.'

b. **quod . . . video**, 'as for my seeing.'

c. **'At neque**, etc.' This is an 'argumentum ad hominem.' On the adversaries' own showing the slaves belonged to Chrysogonus, and so there would be no injustice involved in examining them against Sextus Roscius. The evidence of slaves was not taken against their masters except in extraordinary cases. See De Part. Orat. § 118—'qui cum in dominos de servis quaeri noluissent, tamen de incestu et coniuratione, quae facta me consule est, quaerendum putaverunt,' with which cp. Pro Mil. § 59 and Pro Reg. Deiot. § 3. The worthlessness of the evidence of slaves, when taken on behalf of their master, is illustrated in Pro Mil. § 60. For a graphic account of an examination by torture see Pro Clu. §§ 176, 177.

d. **vos.** Subject to **esse.**

e. **Ita credo**, etc. 'Yes, indeed: their culture and polish makes Chrysogonus wish to have them move among his luxurious and

accomplished pages, the pick of so many of the most fashionable households—why they are scarcely above the level of common labourers, from the training of a rustic householder at Ameria.' On the household of Chrysogonus cp. what is said further on, §§ 133, 134.

f. **omnium deliciarum.** Descriptive genitive. Cp. § 17 'plurimarum palmarum.'

g. **patris familiae.** Here we have the ordinary form of the gen. of 'familia.' See § 43 *c*.

a. **veri simile.** According to Halm (on Pro Sulla § 57) this phrase takes 'ut,' only when a negative is expressed, as here, or implied, as in Pro Sest. § 78 ad fin. Otherwise it has the acc. and infin., as in § 106. § 121.

b. **adamarit,** 'took a fancy to.'

c. **quo studiosius,** etc. Cp. § 86 ad fin.—'atque eo magis elucet, quo magis occultatur.'

a. **distribuisse.** The pres. infin. is more usual with 'memini.' But there is not much to choose between them. With the perfect the meaning is 'You remember that I divided,' with the present it would be 'You remember my dividing.' § 122.

b. **initio.** See § 35.

c. **argumentatio.** See § 97 *h*.

d. **cuius partes,** 'a rôle which.'

a. **qui . . . velit,** 'if one is willing.' § 123.

b. **verbo . . . re.** Cp. Pro Q. § 56—'haec ille, si verbis non audet, re quidem vera palam loquitur.' It is like the standing antithesis in Greek between λόγος and ἔργον.

c. **initio.** In beginning that part of his speech which was to deal with the Roscii. See § 83 ad fin.

d. **coepero,** 'shall begin.' The perfect being used as a present, the future perfect is equivalent to a simple future.

a. **nomen aureum.** A pun on the name of Chrysogonus with allusion to his wealth. The Scholiast finds also in the words a sneer at the servile origin of Chrysogonus, since such fancy names as Smaragdus and Chrysogonus were often given to slaves. A slave of the name Chrysogonus is mentioned in Verr. ii. I, § 92. § 124.

b. **alii quoque plures.** Who, like Chrysogonus, had bought confiscated goods.

c. **in communem causam sectorum,** 'against the general interests of purchasers.'

a. **sive Valeria est sive Cornelia.** The 'lex Valeria' was passed by the praetor L. Valerius Flaccus, who was interrex in B.C. 82. It provided that all Sulla's measures should have the force § 125.

of law. Cicero afterwards pronounced it the worst and most illegal law that was ever passed. De Leg. Agr. III, § 5—'omnium legum iniquissimam dissimillimamque legis esse arbitror eam, quam L. Flaccus interrex de Sulla tulit, ut omnia, quaecumque ille fecisset, essent rata.' The practical effect of this law was to put the lives of all the citizens at the mercy of the dictator. See De Leg. I, § 42; Verr. ii. III, § 81.

b. **non enim novi nec scio,** 'for I am not acquainted with it, and so do not know which it is.' There is the same distinction between 'nôsse' and 'scire' as between 'connaître' and 'savoir' in French. Cp. Ter. And. 934—

'*CH.* Phania illic frater meus fuit. *SI.* noram et scio.'

'I was acquainted with him and am aware of the fact.'

c. **qui potuerunt.** Notice the emphasis that is thrown upon these words by their occurrence both at the beginning and at the end of the sentence. When words are repeated by a Latin author who is careful of his style, the order is generally varied. The rhetorical writers call this 'conduplicatio.' See Ad H. IV, § 38—'Conduplicatio est cum ratione amplificationis aut commiserationis eiusdem unius aut plurium verborum iteratio.'

§ 126. *a.* **scriptum . . . ita,** 'its terms are as follows.'

b. **quo in numero,** 'well, Sextus Roscius is not one of those.' Cp. § 79 *b*.

c. **Si lege.** Supply 'occisus est.'

§ 127. *a.* **quem vis.** In full 'in quem vis (me haec dicere),' the preposition being supplied from the preceding clause.

b. **ab initio.** Cp. § 21 ad fin.

c. **ut ementiretur,** 'that he lied' = an infin. clause.

d. **apud adversarios.** Thus he was brought under the terms of the law—'qui in adversariorum praesidiis occisi sunt.'

e. **passus non sit.** The change of tense may have been meant to mark a definite and particular act. Landgraf however suggests that the reason is merely metrical, to avoid the termination of an hexameter—'nōn pătĕrētur.'

f. **id quod postea.** This subject must have been dealt with in the part of the speech which is lost (§ 132).

§ 128. *a.* **esse in lege,** 'it is stated in the law.' Cp. the phrase 'esse in fatis.' Halm, omitting 'nimirum,' takes 'Kalendas Iunias' as the subject of 'esse.'

b. **quam ad diem,** 'by what date.' 'Dies' in this sense is fem., while in the ordinary sense of a day it is masc. in the best writers. See this point clearly brought out by a passage in Caesar, De Bell.

Gall. I. 6—'Omnibus rebus ad profectionem comparatis diem dicunt, qua die ad ripam Rhodani omnes conveniant. Is dies erat a.d. quintum Kal. Aprilis.' Again in the sense of a period of time 'dies' is feminine, e.g. Verr. i, § 6—'itaque cum ego diem inquirendi in Siciliam perexiguam postulavissem,' in commenting upon which passage Asconius points out that this sense of 'dies' gives rise to the feminine diminutive, 'diecula,' whereas 'hodie' (='hoc die') refers to a particular day of twelve hours. The fact of Asconius taking the trouble to point out this distinction is sufficient proof that it was not universally observed by writers of his day. Where Caesar would say 'postero die,' we find Velleius Paterculus habitually saying 'postera die.' Cp. § 28*f*.

c. **aliquot post mensis**, 'several months afterwards.' In such expressions of time, marking how much earlier or later one event takes place than another, the ablative can equally be used, and is inherently better adapted to them: so that the accusative may be due merely to attraction to 'post.' Cp. § 19 *d*.

d. **nulla redierunt**, 'were not returned at all.' This colloquial use of 'nullus' occurs in the letters of Cicero, but not elsewhere in the speeches, unless the 'misericordia, quae tibi nulla debetur' of Cat. I, § 16 be considered parallel.

e. **facetius**, 'more drolly.' But it may have here the sense of 'finely,' 'cleverly,' which is found in the comedians.

f. **ante tempus**. Cp. § 127. 'Ante tempus'='too soon,' 'post tempus'='too late,' 'per tempus' (Ter. And. 783)='just in time.'

g. **et prope modum**, etc., 'and almost wide of the mark, in that, while I ought to be attending to the vital interests of Sextus Roscius, I am treating him for a whitlow.' There is the same sort of play on the two meanings of 'caput' in Pro Q. § 40—'credamus hoc, Sex. Naevium, cuius caput oppugnet, eius auribus pepercisse.'

h. **reduviam**. The Scholiast tells us that this was called by the Greeks 'panaricium.' This seems to be a corruption of *παρωνυχίον*, a diminutive from *παρωνυχία*, 'a whitlow.'

i. **non ullius rationem**, etc., 'he does not take account of any interests of his own.' The form 'non ullius,' in place of 'nullīus,' may be accounted for by the 'non' preceding.

j. **liberatus sit**. In direct narration the words would be 'liberatus ero.'

a. **ex animi mei sensu ac dolore**, 'as my own feeling of indig- § **129**.
nation prompts.' The same hendiadys occurs in Verr. ii. I, § 69—'pro suo quisque sensu ac dolore.' Cp. Verr. Div. § 33—'animos atque impetus.'

b. **qua condicione.** See § 144.

§ 130. *a.* **optimi,** 'most loyal.'

b. **in eos solos.** Supply 'qui aut proscripti aut apud adversarios occisi sunt.'

c. **aliquanto** = 'aliquot post mensis' in § 128.

d. **quae dies.** See § 128 *b*; § 28 *e*.

e. **tantulo.** Cp. Hor. Sat. II. iii. 156—'Quanti emptae?' 'Parvo.' The gen. of price is confined to certain adjectives—'tanti,' 'quanti,' 'pluris,' 'minoris' and a few others; the rest take the abl.

f. **venierint.** Notice that this is the fourth clause ending with the same word 'venierint.' This is not accident, but design. The device is called in the Ad H. (IV, § 19) 'conversio'—'conversio est, per quam non, ut ante, primum repetimus verbum, sed ad postremum continenter revertimur.'

g. **nequam.** See § 38 *f*.

h. **nihil egerit.** The fut. perf. contemplates the action as complete—'he will find that he has effected nothing.'

§ 131. *a.* **Etenim si Iuppiter,** etc. In the passage which follows we have a foretaste of the adulation of the Empire. Cp. § 22.

b. **caelum, terra mariaque.** Only two ideas, according to Landgraf, 'heaven and earth': but it is perhaps better to admit that 'que' is often attached to the last only of a string of words. Cp. § 71—'caelum, solem, aquam terramque;' § 109—'totam vitam, naturam moresque.' So Verr. Div. § 72—'sudore, labore vigiliisque' and numberless other instances.

c. **pernicii causa,** 'out of mischief. 'Pernicii' is an archaic form of the genitive, for 'pernicici.' Aulus Gellius (IX. 14) quotes the present passage in proof of the existence of an old genitive in '-ii' from nouns in '-es,' whether of the 3rd or 5th decl., of which he gives many examples from ancient authors, as 'facii,' 'dii,' 'famii,' contracted into 'famî' (from 'fames'), 'progenii,' 'luxurii,' 'acii,' 'specii.' He is of opinion that 'dii,' as the gen. from 'diei,' is the true reading in the hemistich in Vergil (Aen. I. 636)—

'munera laetitiamque dii,'

a view which Servius also notices.

d. **sed vi ipsa.** We have here the dualistic notion of a Deity struggling with the intractability of matter.

e. **magnitudine rerum.** Corresponding to the 'propter magnitudinem rerum' above.

f. **utimur . . . fruimur,** 'the advantages whereof we avail ourselves and the light we revel in.'

g. **aliqua . . . animadvertere,** 'to notice one or two things.'

h. **adsequi . . . adepta.** Mere synonyms.

a. **missa faciam.** Cp. § 76 ad in. § 132.

b. **nunc cum maxime,** 'now as much as ever.' In full—'tam nunc fiunt quam cum maxime fiunt.' 'Cum maxime' by itself is sometimes used as a strong form of 'nunc.' De Inv. I, § 39—'quae instent in praesentia et cum maxime fiunt.' Cp. Quint. VI. 1, § 23.

c. **Erucius.** After this word there follows a lacuna in the MSS. The disjointed words which follow have been pieced together out of the comments of the Scholiast; but the text of the Scholiast is itself corrupt. The passage must have contained the revelation of jobbery which Cicero declared he was about to make. See § 127 ad fin.

d. **Pallacine.** 'The place where Roscius had been dining,' Scholiast.

e. **maxime metuit.** 'Sullam scilicet.' Schol.

f. **in Veientanam.** It appears that Chrysogonus had transferred some of the property of Roscius to a villa which he was building at Veii—'hoc enim dicebat Chrysogonus. "Non timui ne mihi tollerentur bona Roscii, ideo eius praedia dissipavi, sed quia aedificabam in Veientanam ideo de his transtuli."'

g. **manu praedia praediis.** The Scholiast illustrates the use of 'manu' here by a phrase current in his own time—'fac ad manum illum codicem.' Cp. our 'handy.'

h. **hic ego,** etc. With these words the orator effects a transition to the final attack upon Chrysogonus.

i. **aptam et ratione dispositam,** 'snug and well situated.' Supply 'villam' or 'domum,' and cp. Hor. Carm. I. xii. 43—

'apto
cum lare fundus.'

j. **in Salentinis.** In Latin peoples are usually put for places; in English the reverse. The Salentini were in Calabria.

a. **tibi.** Ethic dative. 'You have the other coming down.' § 133.
'Alter' refers to Chrysogonus in contrast with some less fortunate land-holder.

b. **Palatio.** From being merely a fashionable quarter of Rome this became subsequently an imperial residence, and so gave rise to our word 'palace.' Cicero himself had a house there later on, which he bought from Crassus for about £30,000. 'De Palatio et aedibus suis' is a hendiadys = 'from his house on the Palatine.' Cp. § 129 *a.*

c. **animi causa.** Render here 'for relaxation.' Cp. § 134 ad in.

d. **domus referta.** This descriptive nominative is very common in Tacitus. Mr. Donkin quotes Vergil, Georg. II. 133, 134—

'folia haud ullis labentia ventis;
flos ad prima tenax.'

Here the construction is abrupt, as 'habet' with an acc. had preceded. It is equally abrupt in Pro Mil. § 64—'domus in clivo Capitolino scutis referta.' In both cases the transition seems to be facilitated by the intervention of a neut. pl. (here 'praedia,' there 'arma') which looks like a nominative.

e. **vasis Corinthiis et Deliacis,** 'vessels of Corinthian and Delian bronze.' Cp. Verr. ii. IV, §§ 1, 50, 51. Pliny the Elder complains of the decay of metallic art in his own time. See N. H. XXXIV, §§ 5, 6, where he mentions that it was Verres' refusal to surrender his Corinthian vases that led Antony to put him into the proscription list of B.C. 43.

f. **authepsa,** *αὐθέψης* (*αὐτός, ἕψω*), an automatic boiler.

g. **enumeraret.** With this reading we may suppose that the sum had been paid down, and that the auctioneer was counting it out, to see if it were right. The other reading 'enuntiaret' would refer simply to the 'praeco' crying out the price.

h. **caelati argenti,** 'of embossed silver.' Plate was adorned with figures in bas-relief, ('crustae aut emblemata'), which could be put on and taken off at pleasure. Silver thus adorned was called 'argentum caelatum'; when devoid of chasing it was called 'purum.' The workers of the pure silver were called 'vascularii,' while those who made the ornaments were known as 'caelatores.'

i. **stragulae vestis.** 'Stragula vestis' is used here as a collective noun. Cp. Verr. ii. II, § 35—'plena domus caelati argenti optimi multaeque stragulae vestis;' also Phil. II, § 66—'pretiosa vestis.' As used distributively the term denoted a coverlet or counterpane, such as is known among the Greeks at the present day as *πάπλωμα*. The manufacture of them was a work of art. Cicero mentions that Verres had one made for him by a lady of Segesta, called Lamia, which was completely dyed with purple (cp. Phil. II, § 67—'conchyliatis Cn. Pompeii peristromatis') and which took three years to finish (Verr. ii. IV, § 59).

j. **pictarum tabularum,** 'pictures,' which were done on boards.

k. **marmoris.** As distinguished from **signorum** preceding, this means marble slabs for tables, side-boards, and house ornamentation generally. Marble was in very common use among the Romans under the Empire. Among the effects of Codrus, 'who had nothing,' Juvenal reckons a marble slab for the side-board (Sat. III. 203–5).

l. **quam variis**, etc. Cp. § 120 ad fin.

a. **hasce.** Cp. 'his levioribus peccatis,' § 62 ad in. § 134.

b. **artis . . . coquos**, etc. Notice the apposition of the concrete with the abstract.

c. **animi et aurium causa**, 'to tickle his mind and ears.' Cp. § 133 ad in.

d. **cantu vocum**, etc. 'Vocum' points to vocal music; 'nervorum' and 'tibiarum' between them cover instrumental.

e. **deversorium**, 'resort.' The word means an inn. Cp. 'libidinum deversorium' (Phil. II, § 104) used of Varro's house when in Antony's possession.

a. **delibuto**, 'steeped in essences'; equivalent to the 'unguentis § 135. adfluens' of Pro Sest. § 18. The word is used metaphorically in Terence, Phorm. 856—

'satin est si te delibutum gaudio reddo?'

b. **volitet**, 'struts,' 'flaunts himself.' The word indicates arrogance and ostentation. Cp. De Leg. Agr. II, § 59 ad in.—'volitat enim ante oculos istorum Iuba regis filius, adulescens non minus bene nummatus quam bene capillatus.'

c. **togatorum.** Already that prostration of birth before wealth had begun, of which Juvenal complains (Sat. III. 131)—

'divitis hic servi cludit latus ingenuorum
filius.'

d. **hominem prae se neminem.** 'Hominem' is here predicate, 'no one even a human being as compared with himself.' Cp. the sentence quoted in Ad H. IV, § 28—'et tamen, cum ita vivit, neminem prae se ducit hominem.'

e. **beatum**, 'wealthy.' The Greek ὄλβιος.

f. **putet . . . putet.** See § 130 *f.*

g. **imperitior**, 'imperfectly acquainted with the facts.'

h. **si quid . . . non placeat**, 'anything that may be displeasing to me.'

a. **Sciunt . . . norunt**, 'those who are acquainted with me are § 136. aware.' Cp. § 125 *b.*

b. **pro mea tenui infirmaque parte**, 'to the extent of my weak abilities'—a happy conjecture in place of the 'pro illa tenui,' etc., of the MSS. Cp. 'pro virili parte.' The mistake is earlier than the Scholiast, who explains the words as referring to the Marian party, that is, as he says, the knights.

c. **ut componeretur**, 'that an agreement should be effected.' Cp. Caes. Bell. Civ. III. 16—'Pompeii summam esse ac fuisse semper voluntatem, ut componeretur atque ab armis discederetur.' The abstract term is 'compositio.' Cp. § 33 *n.*

d. **defendisse,** 'stood out for.' In the Academica Priora (II, § 125) Cicero says of himself playfully, 'semper enim, ut scitis, studiosus nobilitatis fui.'

e. **humilitatem . . . contendere.** Abstract for concrete—'that the contest was one between the low and the great,' or, retaining the words in brackets, 'that the low were contending with men of worth for position.' A somewhat similar use of abstract terms occurs in Pro Q. § 84—'in hac causa improbitatem et gratiam cum inopia et veritate contendere.'

f. **honorem et gradum,** 'office and rank.' Cp. § 139—'sua cuique procuratio auctoritasque est restituta.'

g. **gaudeo . . . laetor.** In his philosophical works Cicero explains that 'gaudium' signifies a more rational joy than 'laetitia,' e.g. Tusc. Disp. IV, § 13.

§ 137. *a.* **Quod animadversum est.** Cp. the similar construction in § 120 'quod a vobis hoc pugnari video.'

b. **non debeo reprehendere.** We get Cicero's outspoken opinion in the De Officiis II, § 27—'secuta est honestam causam non honesta victoria.'

c. **quorum opera,** etc., 'who have rendered signal aid,' i.e. the soldiers of Sulla ('Sullani').

d. **honos habitus est,** 'have been rewarded.' Cp. § 108 *e*. The reward took the form of grants of land and houses in various parts of Italy at the expense of the adversaries (Appian, Bell. Civ. I. 96).

e. **in eo studio partium fuisse,** 'that I favoured that side.'

f. **homines postremi,** 'the lowest of mankind.' Cp. Epist. ad Brut. I. 16, § 3—'postremi homines.' This use of 'postremus' is very rare in Cicero. But the word must have been in common use in Latin in the sense of 'base,' since we find a new comparative and superlative formed from it in that sense. Thus C. Gracchus is quoted by Aulus Gellius (XV. 12) as saying—'omnium nationum (al. natorum) postremissimum nequissimumque existimatote.' And Apuleius de Deo Socratis (ch. 3. Part II. p. 121, ed. Hildebrand) has 'ut possit videri, nullum animal in terris homine postremius.'

g. **non modo,** etc. See § 65 *a*.

h. **in isto bello.** Addressed to the 'iudices,' who belonged to the victorious party.

§ 138. *a.* **haec,** 'the present state of things.'

b. **nihil est . . . dicat,** 'there is no excuse for anyone being either so foolish or so unprincipled as to say.'

c. **hoc,** 'so and so.' Cp. Ad H. II, § 40—'nam hoc aut hoc fecissem, sed me tum ratio fugit.'

d. **decrevissem.** As senator. The usual term is 'censere' for the opinion of the individual member; but cp. Pro Mil. § 14.

e. **recte et ordine.** Pro Q. § 28—'recte atque ordine factum videtur.'

§ 139.

a. **Dum necesse erat.** See § 91 *a*.

b. **omnia poterat.** Cognate accusative. Cp. § 141 'aliquid posse,' § 149 'quantum possent.'

c. **procuratio,** 'administration.' Cp. Verr. ii. I, § 99—'quaestoriaeque tuae procurationis.'

d. **retinere . . . obtinere.** 'Obtinere' is here 'to make good their claim to.' There is the same play on the two words in Pro Q. § 75—'si veritatem volent retinere, gravitatem possint obtinere.'

e. **nolo . . . dicere.** Aposiopesis, 'but I will not say anything severe against them, if only to avoid the ill omen.' 'Vel ominis causa,' is what the sense requires. The 'ne . . . quidem' merely carries out the previous negative in 'nolo.'

f. **nostri isti nobiles.** This combination of two pronouns of different persons exactly expresses Cicero's position on the outside edge of the aristocratical party. He puts in a claim to belong to them in spirit, and yet in the same breath speaks of them as foreign to himself.

g. **ornamenta,** 'distinctions,' with special reference to the 'iudicia.'

h. **concedant necesse est.** This prophecy was fulfilled by the lex Aurelia, in B. C. 70.

§ 140.

a. **male,** 'treasonably.'

b. **si qui.** See § 111 *a*.

c. **equestrem splendorem.** See § 20 *g*. We may call to mind at this point that Cicero himself was of equestrian origin, and had not as yet risen out of his own class. In Verr. i, § 38, he claims for the knights that during the fifty years (roughly speaking) for which they exercised the 'iudicia' there had not been the slightest suspicion of a bribed verdict.

d. **servi.** A rhetorical exaggeration for 'liberti.' Cp. § 141—'liberti servolique nobilium.'

e. **quam viam,** etc. The words 'quam viam munitet, quod iter adfectet,' may be a quotation from a play, or the latter of the two clauses may be a gloss upon the former, which has crept into the text.

f. **munītet.** This seems to be the only passage in which the frequentative form occurs. The phrase 'munire viam' becomes

more intelligible when we remember that the Roman roads were raised like some of our railroads. Verg. Aen. V. 273 :

'qualis saepe viae deprensus in aggere serpens.'

g. **iter adfectet.** Cp. Verg. Geor. IV. 562—'viamque adfectat Olympo.' The phrase occurs also in the comedians, e. g. Ter. Phorm. 964—

'hi gladiatorio animo ad me adfectant viam.'

h. **sincerum sanctumque,** 'pure and undefiled.' Cp. Pro Q. § 5—'profecto nihil est iam sanctum atque sincerum in civitate.'

§ 141. *a.* **Hicine.** For the 'i' in this word cp. such locative forms as 'domi,' 'ruri,' 'Tiburi,' etc.

b. **hoc . . . quod,** 'on this account, because.' 'Hoc' is abl. **indigne fero** is here used absolutely—'I am indignant.'

c. **quod verear.** The reason is given as it appeals (or rather as it does not appeal) to Cicero's mind. We have therefore the subjective mood, commonly called the subjunctive.

d. **speravit . . . posse.** See § 6 *n.*

e. **exspectata.** During the four years that Sulla was absent from Italy.

f. **ad libidinem suam.** See § 54 *h.*

g. **servolique nobilium,** 'nobilium,' goes with 'liberti servolique'; 'bona' belongs to 'nostras.'

§ 142. *a.* **Si id actum est,** 'if that was what was aimed at.' Cp. § 8 'sin aliud agitur nihil.'

b. **hoc.** Referring to 'ut ad libidinem,' etc.

c. **tametsi . . . sensi,** 'though I confined myself to feeling, judges, and did not fight.' During the Marsic or Social War in B. C. 89, Cicero served under the consul Cneius Pompeius Strabo, the father of Pompeius Magnus : but he took refuge from the civil commotions which followed in the study of literature and philosophy (Phil. XII. § 27 ; Plut. Cic. 3).

d. **ornamento . . . rei publicae.** See § 40 *f.*

e. **tum vero.** Cp. § 137—'tum vero in isto bello.'

f. **optimo et nobilissimo cuique,** 'all the best and noblest.' So below 'nequissimo cuique.'

g. **rationem communicatam.** The vague word 'rationem,' which we may render 'interests' is here substitnted for 'causam' (cp. § 140 'suam causam cum Chrysogono communicare'), because of the use of 'causae' below. At the same time it may be meant to convey a reference to the accounts of partners.

h. **ab hoc splendore causae,** 'from a cause of so much lustre.'

a. **haec omnis oratio,** 'all that I have just said'—from § 130 onwards. § **143.**

b. **iam ante.** See § 129.

c. **imperitus morum,** 'ignorant of the world.'

d. **iure gentium,** 'the principles of justice,' common to all mankind.

a. **in suam rem convertit,** 'turned to his own use,' 'embezzled.' Cp. § 114—'in suam rem convertisset.' The irony and pathos of this whole passage are remarkable. § **144.**

b. **anulumque.** What Juvenal (Sat. XI. 43) says of spendthrifts would hold true of any Roman—

'a dominis post cuncta novissimus exit
anulus.'

c. **excepit** = 'reservavit' in § 146.

a. **misericordia,** 'charity.' § **145.**

b. **Mea.** See § 32 *c*.

c. **hominem occidere.** 'Hominem' is often used for 'eum': but here the two words 'hominem occidere' make up the one idea of 'murder.' Cp. § 80 'homines occiderentur,' 'murders were being committed'; § 100 'modum hominis occidendi,' 'method of murder'; § 128 'homo occisus est,' 'the murder took place.'

d. **ab eone.** 'Ab' is not strong enough to bear the weight of the interrogative. Cp. § 114 *b*.

e. **praeter ceteros tu,** '*you* have no special cause to fear,' as being Sulla's favourite.

f. **vereri . . . metuere.** Notice the change from 'vereri' to 'metuere.' It is merely to avoid monotony. When the two words are distinguished (as in Pro Q. § 1), 'vereri' signifies a reverential, 'metuere,' a more craven fear. See De Sen. § 37—'metuebant servi, verebantur liberi.' Cicero mentions it as a recognised subject of inquiry whether there were any difference between the two words. De Orat. III, § 117.

g. **debeas.** The subjunctive is to be accounted for as coming under the government of 'ostendis.' But the indicative would seem more natural, as representing a remark thrown in on the part of Cicero himself.

h. **ne quando.** The shorter forms of the relative pronouns and particles are used after 'ne.' Thus we have 'ne quis,' not 'ne aliquis,' 'necubi' (='ne cubi'), not 'ne alicubi,' and so on.

a. **emptionis tuae,** 'of the security of your purchase.' Cicero seems to forget that he had denied that there was any purchase at all (§ 127). § **146.**

b. **in eis rebus,** etc., 'than on the achievements of L. Sulla.'

The meaning is that Sulla's victory was so complete that there was no chance of a reaction.

c. **ne monumenti quidem causa,** 'not even as a keepsake.' Cp. Verg. Aen. V. 538—'monumentum et pignus amoris.'

d. **pirata.** Πειρατής is a later Greek substitute for the earlier λῃστής.

e. **cruenta spolia.** Halm points out that in Greek this would be *αἱματόεντα τὰ σκεύη*, not *τὰ αἱματόεντα σκεύη*.

§ 147. *a.* **contra rem tuam,** 'against your interests.' Cp. Phil. II, § 3—'contra rem suam me nescio quando venisse questus est.'

b. **Baliarici filia, Nepotis sorore.** These words are out of keeping with the explanatory comment in § 27, 'Nepotis filiam.' Possibly both are glosses: but the words before us harmonize very well with their surroundings. In the De Divinatione (I, § 4, ad fin.) Cicero relates that in the consulship of L. Julius Caesar and P. Rutilius Lupus (B. C. 90) the temple of Juno Sospita was restored by decree of the senate in consequence of a dream of Caecilia, the daughter of Baliaricus.

c. **quae cum,** etc., 'who, though she had a most illustrious father, most exalted uncles, a most accomplished brother, nevertheless, woman though she was, managed by a man's courage to bring no less distinction on them from her merits than the honour with which she was herself invested in consequence of their worth.' The construction is based upon the simple sentence 'ut tantum illis honorem redderet, quantum ipsa ab iis acciperet.'

d. **clarissimum patrem.** Q. Caecilius Metellus, consul B.C. 123, who derived his 'agnomen' from the conquest of the Baliares. He was the eldest of four brothers, each of whom attained in his turn to the consulship. Their father, Q. Caecilius Metellus Macedonicus, is cited by Velleius Paterculus (I. 12) as an extraordinary instance of human felicity.

e. **amplissimos patruos.** Three of them, namely, L. Metellus Diadematus, M. Metellus, and C. Metellus Caprarius, who attained to the consulship in B.C. 117, 115 and 113 respectively.

f. **ornatissimum fratrem.** Q. Caecilius Metellus Nepos, consul in B.C. 98. The name 'Nepos' perhaps indicates that he was the eldest grandson of the celebrated Macedonicus.

§ 148. *a.* **An quod,** 'or is it that etc.?' 'An' always points to a previous alternative, expressed or understood. Here it carries us back to 'nisi hoc indignum putas.'

b. **pro,** 'in proportion to.' We may render it here 'in view of.'

c. **hospitiis.** See § 15 *h*.

d. **satis copiose defenderetur,** 'he would have enough to speak in his defence.'

e. **proque eo, quod,** 'and in view of the fact that.'

f. **summa res publica,** 'the highest interests of the state.'

g. **consistere.** 'You would not be allowed standing-room where you are.' Pro Q. § 73—'huic ne ubi consisteret quidem contra te locum reliquisti.'

h. **vobis.** Addressed to Chrysogonus and his friends.

a. **rationem,** 'department.' Messala undertook all the work that would be done by an attorney under the English system, leaving the barrister's task to Cicero. § 149.

b. **M. Messala.** The illustrious Messala Corvinus was not born till B.C. 58. The person intended is no doubt M. Valerius Messala, who was elected consul B.C. 53. This would make him at least ten years younger than the orator. Cicero speaks of him as a friend at the time of his canvass ('Messala noster' ad Att. IV. 17, § 3).

c. **satis aetatis,** i.e. if he had completed his 17th year, Just. Inst. I. 6, § 7 ad fin.

d. **aetas.** Contracted from 'aevitas.' It is used, like the Greek *ἡλικία* and our word 'age,' for the period of life, whatever that may be, at which a person is. Here it means 'youth,' as in § 9. Cp. Arist. Eth. Nic. I. (9), § 10—*οὔπω γὰρ πρακτικὸς τῶν τοιούτων διὰ τὴν ἡλικίαν.*

e. **sua causa . . . debere.** Referring to Messala, the subject of 'intellegebat.' For the expression 'sua causa cupere' cp. Verr. Div. § 21—'qui te neque velle sua causa, nec, si cupias, posse arbitrantur'; Ad H. I, § 1 'tua causa noluisse'; and for the same use with 'debere' cp. Verr. i, § 23—'quidam, qui se omnia mea causa debere arbitrabatur.'

f. **sectorum.** The audience is meant to understand this as 'cut-throats,' while it does not necessarily mean more than 'brokers.' Cp. § 80 *d.*

g. **haec acta res est.** See § 142 *a.*

a. **ut . . . ne.** See § 7 *a.* § 150.

b. **nobis.** See § 7 *c.*

c. **pristina,** 'time-honoured.'

d. **satius est,** 'it were better.' The classical languages stated many things categorically which we state conditionally. It is plain that the better course *is* the better, whether we choose to adopt it or not.

a. **sectores ac sicarii.** See § 80 *e.* § 151.

b. **ut . . . conlocent.** Epexegetical of 'hoc.'

c. **de improviso.** Cp. Verr. ii. I, § 112 'ex improviso.'

d. **bonorum emptores.** Doubtless the resemblance in sound to 'boni imperatores' is intentional.

e. **prohibeant . . . ut.** 'Ut,' instead of 'ne,' with 'prohibere' is a construction almost without parallel.

f. **consilium publicum,** 'the court of the people.' Cp. § 8 'ex senatu in hoc consilium.'

§ 152. *a.* **obstare,** 'against him,' as we should say.

§ 153. *a.* **instaurata.** Translate 'set on foot.' The word means 'to do a thing again,' but this is already implied by 'nova.' We have similar pleonasms in 'unus relictus . . . restat' § 13; 'vicaria fides amicorum supponitur' § 111.

b. **senatus suscipere noluit.** Sulla had it carried out without consulting them—*οὐδενὶ τῶν ἐν τέλει κοινωσάμενος* Plut. Sull. 31.

c. **more maiorum.** It was provided in the Twelve Tables that no Roman citizen should be put to death except by a vote of the 'comitia centuriata.'

d. **publico consilio.** Perhaps not 'by the public council,' but 'by the authority of the state,' as in Livy XXI. 18, § 6—'Ego autem non, privato publicone consilio Saguntum oppugnatum sit quaerendum censeam, sed utrum iure an iniuria.'

e. **puerorum.** Common gender.

f. **perventuram putetis.** A refinement, after the manner of Cicero, on the simple 'respublica perventura sit.' Cp. the common ending, 'esse videatur,' where 'sit' would be sufficient.

§ 154. *a.* **domestica crudelitate.** See Introd. §§ 3–11.

b. **consuetudine incommodorum,** 'through familiarity with distress.'

c. **adsiduitate molestiarum,** 'from the constant presence of suffering.'

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